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## 2008 SESSION HIGHLIGHTS

This document is a report of selected legislation passed by the 2008 Georgia General Assembly, and is intended to provide a general overview only. This document contains summaries of selected legislation, an index of passed legislation, and an index of vetoed legislation. If further detail on legislation is needed, please contact the Senate Research Office.

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## **APPROPRIATIONS**

### **SENATE BILL 300**

### **TRANSPARENCY IN GOVERNMENT ACT**

No later than January 1, 2009, the Department of Audits (Department) must develop a searchable website that allows the public, at no cost, to review and analyze the following information:

- ▶ The State of Georgia Comprehensive Annual Financial Report that includes an indexed statement of operations and of financial condition;
- ▶ The annual Budgetary Compliance Report, a by-agency report that compares budgeted and actual revenues, by budgetary units; and
- ▶ The annual State of Georgia Single Audit Report that provides, by federal grant, an indexed listing of all expenditures of federal funds and discloses any audit findings.

Additionally, by January 1, 2010, the Department must add to the website a report of certain grants and contract payments due to vendors by agencies reporting through the state's general financial accounting and information system, and all payments made through economic and incentive programs by the Departments of Economic Development, Labor, Community Affairs, Agriculture, and the Georgia Lottery Corporation, pertaining to Fiscal Year 2009. As soon as practical after the close of each fiscal year, the website must be updated.

All agencies of state government must provide to the Department the necessary information to accomplish the purposes of this Act. This Act does not require the disclosure of otherwise confidential information.

Finally, the bill includes "authorities" in those governmental agencies that must comply with any directive issued by the Governor or either Appropriations Committee of the House or Senate, authorizing the state auditor to make special examinations of the financial records or any other management profile of any state agency or entity.

### **HOUSE BILL 989**

### **FISCAL YEAR 2008 AMENDED BUDGET**

The 2008 amended budget contains approximately \$332 million in additional funding for Fiscal Year 2007 – 2008. Some of the highlights of this bill include:

- ▶ \$40 million for reservoirs.
- ▶ \$500,000 for repairs to reservoirs.
- ▶ \$500,000 for local water-sewer repair/replacement.
- ▶ \$6.3 million for the Hazardous Waste Trust Fund.
- ▶ \$58.5 million for Trauma Care funding.
- ▶ \$1.6 million for Department of Human Resources' Adult Protective Services.
- ▶ \$150,000 for forestry repair issues in South Georgia due to the fires in 2007.
- ▶ \$20 million for education equalization funding.
- ▶ \$ 2.7 million for public defenders.
- ▶ \$17.9 million for school capital outlay projects debt service.
- ▶ \$210.2 million for school capital outlay project principal.
- ▶ \$37.16 million for Disproportionate Share Hospitals (DSH) program - private DSH (\$13.7 million State General Fund and \$23.4 million Medicaid).
- ▶ \$38 million for forward funding.
- ▶ \$1 million in restored cuts to Regional Economic Business Assistance (REBA).
- ▶ \$1.4 million for Economic Development and Tourism funding.
- ▶ \$294,000 for Future Farmers of America camp senior projects.
- ▶ New funds for mental hospitals, child welfare services, and PeachCare.

### **HOUSE BILL 990**

### **GENERAL APPROPRIATIONS ACT FOR FISCAL YEAR 2008-2009**

The Fiscal Year 2009 budget is a \$21.18 billion budget in state funds, and over \$40.8 billion budget when considering all fund sources. The budget is balanced based on the Governor's reduced revenue estimates. Major points include:

#### **Funding for Education**

- ▶ \$90 million for the equalization education program, making this a \$548 million program (\$10 million in new money).
- ▶ \$50 million toward restoring the \$141 million austerity reduction.
- ▶ \$92 million in general school construction money; when added to FY08 amended budget, the package totals over \$306 million in bonds for school construction. It includes \$10 million in bonds for low-wealth school districts in FY09.

- ▶ \$15 million in bonds to assist new career academies with facilities and \$500,000 to help with start-up costs.
- ▶ Increase of HOPE - private scholarships from \$3,000-\$3,500 per student, the first increase in over 10 years.
- ▶ Increase of the tuition equalization grant from \$1,100 to \$1,200 for Georgia students attending private higher education institutions.

#### **Funding for Social Services**

- ▶ \$10 million in new Temporary Assistance to Needy Families (TANF) funds for child care (total of \$20.3 million in total TANF funds for child care).
- ▶ \$2.37 million in assistance for families who adopt special needs children.
- ▶ \$4.1 million to replace lost federal funds for prevention of elder abuse and neglect.
- ▶ \$6.2 million for 500 new Mental Retardation Waiver Program slots (\$9.37 million in total funds).
- ▶ \$9.15 million for annualizing 1500 new Mental Retardation Waiver Program slots (\$13.7 million in total funds).
- ▶ \$1 million for Meals on Wheels.

#### **Funding for Health Care**

- ▶ \$98 million in state funds and \$341 million in total funds to provide full funding for PeachCare.
- ▶ \$13.6 million in new funds for the state's mental health hospitals.
- ▶ \$2.5 million for Independent Care Waiver Program (ICWP) slots.
- ▶ \$9.2 million for improving access to rural health care.
- ▶ \$3 million for community health centers across the state.
- ▶ \$6.2 million in state funds/\$17.3 million in total funds for increases in reimbursement rates for trauma providers.
- ▶ \$2.6 million in funds for over 15 new residency slots at teaching hospitals across the state.
- ▶ \$1.75 million for the Morehouse School of Medicine operating grant for its class expansion efforts.

#### **Economic Development and Transportation**

- ▶ \$30 million in bonds for reservoirs.
- ▶ \$5 million in community improvement district grants for congestion relief.
- ▶ \$49 million for a state transportation infrastructure bank (of which \$28 million is in the budget; remainder from public authorities).
- ▶ \$9.8 million in airport aid.
- ▶ \$7.5 million in venture capital funds in the Board of Regents funding.
- ▶ \$1.046 billion total in new bonds for schools, roads, water, mental hospitals, maintenance on existing buildings.

#### **Funding for State Employees**

- ▶ \$239 million for 2.5 percent COLA for all state employees.
- ▶ \$12.35 million for law enforcement pay for the Georgia Bureau of Investigation (GBI), the Department of Natural Resources, parole officers, correctional officers in the Department of Juvenile Justice, and Pardons and Paroles.
- ▶ \$11.37 million for critical and special job pay – nurses, correctional officers, and scientists needed at GBI and other selected categories of high turnover or difficulty in recruitment.

#### **HOUSE BILL 1163**

#### **ADDITIONAL SUPERIOR COURT JUDGES; ALCOVY, ATLANTA, BRUNSWICK**

This legislation provides for one additional superior court judge position in the Alcovy, Atlanta, and Brunswick Circuits. The Alcovy Circuit will now have five superior court judges; the Atlanta circuit will now have 20 superior court judges; and the Brunswick circuit will now have five superior court judges. The additional judges for each judicial circuit will initially be appointed by the Governor, with an election process for a four-year term at the expiration of their first term. For the purpose of initial appointments, the bill will become law upon approval by the Governor or when it becomes law without such approval. For all other purposes, the bill will become effective on January 1, 2009.

## **AGRICULTURE AND CONSUMER AFFAIRS**

### **SENATE BILL 418**

### **GEORGIA FIRE SAFETY STANDARD AND FIREFIGHTER PROTECTION ACT**

This bill prohibits the sale of cigarettes unless the manufacturer of those cigarettes certifies to the Safety Fire Commissioner (Commissioner) that the cigarettes have been tested by the manufacturer and meet certain standards.

Any person who knowingly sells cigarettes, other than through retail sale, in violation of the provisions of this is subject to a civil penalty not to exceed \$100 for each pack sold, (not to exceed \$100,000 during any 30-day period). A retail dealer is subject to a civil penalty not to exceed \$100 for each pack sold (not to exceed \$25,000 during any 30-day period). Any corporation, association, etc. that knowingly makes a false certification is subject to a civil penalty of at least \$75,000 (not to exceed \$250,000) and any person violating any other provision of this bill is subject to a civil penalty for a first offense not to exceed \$1,000 (\$5,000 for each subsequent offense).

If federal standards that preempt this legislation are adopted, this bill will cease to be applicable. Further, if New York fire safety standards are changed after April 1, 2008, the Commissioner must suggest proposed legislation to the chairpersons of the appropriate standing committees of the General Assembly as designated by the presiding officer of each house which contains provisions necessary to bring this legislation in accordance with the New York safety standards.

### **HOUSE BILL 301**

### **DOG FIGHTING**

This bill expands current law on dog fighting to prohibit activities such as training dogs for fighting; organizing bets and advertising exhibitions; increases penalties for individuals participating in dog fighting exhibitions as well as spectators; and provides for the handling of animals impounded under this law.

#### **Exemptions**

This legislation does not prohibit, impede, or otherwise interfere with recognized animal husbandry and training techniques not otherwise specifically prohibited by law. Specifically, this legislation does not apply to any person owning, using, breeding, training, or equipping:

- Any animal to pursue, take, hunt, or recover wildlife or any animal that could be lawfully hunted or taken, or to participate in hunting or fishing;
- Any animal to work livestock for agricultural purposes;
- Dogs for law enforcement purposes;
- Dogs used as bona fide companion animals; or
- Any dog to control damage from nuisance or pest species in and around structures or agricultural operations.

#### **Prohibited Acts**

The term “dog” is specifically defined as any domestic canine. This legislation prohibits the following acts related to dogs:

- Owning, possessing, transporting, or selling any dog with the intent that the dog will be engaged in fighting with another dog;
- Causing any dog to fight with another dog or causing any dogs to injure each other for amusement or gain;
- Wagering money or anything of value on the result of such dog fighting;
- Aiding and abetting in the aforementioned acts.

#### **Penalties**

Any person who commits one of the above prohibited acts will be guilty of a felony and, upon first conviction, punished by imprisonment for not less than one year nor more than five years or a fine of not less than \$5,000, or both. Upon a second conviction, the person will be punished by imprisonment for not less than one year nor more than 10 years or a fine of not less than \$15,000, or both. The court, as part of the sentence, may prohibit the offender from owning, possessing, or having on the offender’s premises any dog during the term of the sentence.

#### **Prohibited Acts for Spectators**

In regard to spectators, this legislation prohibits the following:

- Knowingly being a spectator at any place where preparations are being made for an exhibition dog fighting or at such exhibition; or
- Knowingly aiding and abetting in a dog fighting exhibition.

### Penalties for Spectators

Upon first conviction, any person who commits one of the above prohibited acts will be guilty of a misdemeanor of a high and aggravated nature. On a second conviction, the person will be punished by imprisonment for not less than one year nor more than five years or a fine of not less than \$5,000, or both. Upon a third conviction, the person will be punished by imprisonment for not less than one year nor more than 10 years or a fine of not less than \$15,000, or both.

### Impoundment of Animals

Any dog subject to fighting will be impounded.

It will be the duty of any person impounding an animal to make reasonable and proper arrangements to provide the impounded animal with humane care and adequate and necessary veterinary services. Such arrangements may include, but will not be limited to: providing shelter and care for the animal at any state, federal, county, municipal, or governmental facility or shelter; contracting with a private individual, partnership, corporation, association, or other entity to provide humane care and adequate and necessary veterinary services for a reasonable fee; or allowing a private individual, partnership, corporation, association, or other entity to provide humane care and adequate and necessary veterinary services as a volunteer and at no cost.

If a judicial or administrative body determines that the impoundment of a dog is improper, upon payment of all costs of impoundment and care, it will be returned to the owner under written conditions that are served upon the owner. The conditions may include that the animal will be given humane care and adequate and necessary veterinary services and will not be subjected to mistreatment.

### **HOUSE BILL 1281**

### **LIFTING WATER RESTRICTIONS**

This bill allows political subdivisions and local government authorities to tighten or relax state-imposed general water restrictions by demonstrating “good cause” and receiving approval from the Georgia Environmental Protection Division (EPD). “Good cause” means evidence to support a reasonable conclusion, considering available relevant information that the additional restrictions are necessary and appropriate to avoid or relieve a local water shortage.

Under this bill, the EPD has five business days to render a decision regarding water restrictions when petitioned by political subdivisions and local government authorities. The amount of time of deviation from the state water restrictions will be determined by the Director of the EPD.

In the case of emergencies affecting public health, safety or welfare, political subdivisions and local government authorities may implement restrictions for no more than seven days, unless the EPD Director gives approval for a longer period. If the Director determines that a political subdivision or local government is exercising emergency powers granted by this legislation to circumvent the necessity of obtaining a variance, he or she may suspend the emergency powers to the political subdivision or local government authority.

Also, this bill prohibits the EPD from restricting surface or ground waters for use in public, private or community swimming pools solely due to drought or water restrictions, except in periods of emergency water shortages when water is needed for human consumption and farm use.

### **HOUSE BILL 1303**

### **RESTAURANT NUTRITIONAL INFORMATION**

This legislation prevents any county board of health or political subdivision of this state from enacting any ordinance or issuing any rules and regulations pertaining to the provision of food nutrition information at food service establishments.

The Department of Human Resources (DHR) retains the power to adopt and promulgate such rules and regulations as it deems necessary and proper, including the establishment of reasonable standards of sanitation for food service establishments and establishments which are also retail frozen dessert packagers as well as the power to examine and condemn unwholesome food. County boards of health remain authorized to adopt and promulgate supplementary rules and regulations, including the establishment of reasonable standards of sanitation for food service establishments, consistent with those adopted and promulgated by DHR.

## **BANKING AND FINANCIAL INSTITUTIONS**

### **SENATE BILL 358**

### **SECURITIES ACT**

This bill updates the “Georgia Securities Act of 1973” and replaces it with the “Georgia Uniform Securities Act of 2008.” The Secretary of State serves as the Commissioner for Securities in Georgia (Commissioner). The new Act provides the following: forms of registration for securities; regulation of securities professionals; fraud enforcement; as well as coordination and uniformity with current federal law.

A security is an investment instrument, other than an insurance policy or annuity, issued by a corporation, government, or other organization which offers evidence of debt or equity.

Fraud is any act, expression, omission, or concealment calculated to deceive another person. The anti-fraud provisions within the 2008 Act will apply within Georgia to state registered entities and persons, to federal covered investment advisers, and to anyone in connection with transactions in any securities, including federal covered securities. The Commissioner is given the authority for conducting investigations; issuance of subpoenas; the power to swear out and execute search warrants; and to provide assistance to securities regulators in other jurisdictions.

The 2008 Act provides for civil and criminal actions in the courts and administrative proceedings. The Commissioner is authorized to issue cease and desist orders for violations. The Georgia courts are authorized to enforce such orders. Also, the 2008 Act contains civil penalties of up to \$50,000 for a single violation and up to \$500,000 for multiple violations. Finally, the 2008 Act includes civil liability provisions for defrauded persons to obtain damages and rescission. Any action must be instituted within the earlier of two years after the discovery of the facts constituting the violation or five years after the occurrence of the violation.

### **SENATE BILL 531**

### **RECORDING LIEN HOLDERS**

This bill requires the current holder or owner of a mortgage to be recorded with the Clerk of Superior Court in the county where the real property is located. In order for foreclosure to occur, the actual lien holder must be identified in the foreclosure notice, not merely a loan servicer. Specifically, the advertisement required in the legal organ in the county of the sheriff’s sale must contain the identity of the secured creditor, an address for that secured creditor, and if applicable, the name, address and telephone number of the party having the right to service the underlying debt.

Notice of the initiation of proceedings to exercise a power of sale in a mortgage, security deed, or other lien contract will be given to the debtor by the secured creditor no later than 30 days before the date of the proposed foreclosure.

### **HOUSE BILL 130 SECURITY FREEZES BY CONSUMER CREDIT REPORTING AGENCIES**

This bill regulates security freezes of consumer reporting agency reports by consumers. Consumer reporting agencies are also known as credit bureaus. This legislation provides a method for placing and removing a security freeze by a consumer. A consumer will be charged \$3.00 for placing or removing a credit freeze. Also, if the consumer is a victim of documented identity fraud or age 65 or over, this bill prevents consumer reporting agencies from charging a fee for placing or removing a security freeze.

A frozen credit report may not be released to third parties, except for certain limited purposes. A consumer may request removal of a security freeze, which must occur within either three days of a consumer’s written request, or within 15 minutes of an electronic request, if it is submitted by a method chosen by the consumer reporting agency. A freeze will be temporarily lifted by a credit bureau within a period of 15 minutes, if requested by the consumer.

## **ECONOMIC DEVELOPMENT**

### **SENATE BILL 359**

### **MADE IN GEORGIA PROGRAM**

This legislation creates the “Made in Georgia” program for the purpose of promoting goods and products manufactured in Georgia. The program will inform Georgians of the diverse manufacturing sector within this state and provide educational outreach efforts to bring the science of manufacturing into the classroom.

The Department of Economic Development may adopt any rules and regulations that it finds necessary to properly implement this program.

**HOUSE BILL 291****GEORGIA COUNCIL FOR THE ARTS****Georgia Arts Alliance**

In order to foster a public-private partnership for the support of the arts, education, economic development, and tourism in this state, this bill creates the Georgia Arts Alliance (Alliance), which will be a private entity. Its purpose is to: support the Georgia Council for the Arts (Council) in advancing the arts and tourism industries; provide annually to individual public schools enabling matching grants for up to three years for a specified arts program or project for students based on competitive evaluation by the advisory board or a committee of the advisory board of the various proposals; provide annually to the Georgia Council for the Arts an incremental addition to the Council's funding from other sources to support professional development of teachers, teaching artists, and administrators for arts in education through learning grants to individuals; and, engage in other activities designed to support Georgia's arts and the teaching and physical infrastructure needed to provide arts and arts in education in order to improve education and provide for economic development and tourism.

The Alliance will be governed by a Board of Trustees (Board) consisting of the following ten members: the State School Superintendent; the Commissioner of Economic Development; the Executive Director of the Georgia Council for the Arts; five members appointed by the Governor; and one member appointed by the Lieutenant Governor and one by the Speaker of the House.

Finally, the Board will appoint a Committee to assist the Board members in their duties. It may not have more than 30 members, and it will be chaired by the Executive Director of the Alliance. The members will each serve four-year terms and will serve without compensation, but may be reimbursed for actual and reasonable expenses incurred while on the business of the Committee. The Committee will include at least two representatives from each of the state's congressional districts.

**HOUSE BILL 297****RECREATIONAL VEHICLES/DEALERS**

This legislation revises the law that currently prohibits any dealer of recreational vehicles (RVs) from distributing RVs in Georgia without a franchise dealership agreement with a grantor with the express right to sell or distribute RVs in Georgia, unless at an event sponsored by a Georgia-based RV grantor with manufacturing facilities in Georgia where RVs are sold by the grantor's franchised out-of-state RV dealers. Otherwise, dealers may participate in exhibition events, but may not contract to sell or distribute RVs.

This bill provides two additional exemptions from the franchise agreement requirement for the sell of RVs by dealers:

(1) At any convention or rally involving more than 2,500 recreational vehicles where the vehicles are preregistered with the sponsor of the event, owned by individuals attending the convention or rally, and are there for the personal use of their owners for the purpose of camping and not for sale or display; provided that no out-of-state dealers will be invited by a participating manufacturer unless all franchised Georgia dealers for that participating manufacturer are invited, and no discrimination will occur in terms of sales by a manufacturer to any franchised Georgia dealer for recreational vehicles to be sold at the convention or rally. No franchised Georgia dealer can be required by a manufacturer to purchase additional inventory in order for the dealer to participate in such convention or rally. Out-of-state dealers must register with the Department of Revenue and purchase a \$500 permit 30 days prior to participating.

(2) At a convention or rally if: there are 10 or more dealers from this state participating in the convention or rally; and the convention or rally takes place at a location other than the principal place of business of any of the dealers participating in the convention or rally.

The provisions in this bill may not be applied to impair an obligation already in place through an existing contract on the date the bill becomes effective.

**HOUSE BILL 1088****AGRICULTURAL TOURIST ATTRACTIONS**

This legislation promotes the development and maintenance of agricultural tourist attractions. Upon approval by the Department of Agriculture as an agricultural tourist attraction, directional signs will be placed in the proximity of the agriculture tourist attraction to direct passing traffic to the attraction.

## **EDUCATION AND YOUTH**

### **SENATE BILL 345**

### **INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN**

This bill establishes a compact to remove barriers to educational success imposed on children of military families because of frequent moves and the deployment of their parents. It is designed to bring states together to allow for the uniform treatment of military children who transfer between school districts and states. While states may already support military children, individual states can only control what happens inside their state borders. This compact allows for cooperation and uniform treatment in all member states.

The compact addresses the key issues encountered by military families: eligibility; educational records and enrollment; placement and attendance; and graduation. It also provides for a detailed governance structure at the state and national levels with both enforcement and compliance mechanisms.

Each member state will ensure compliance and cooperation through the creation of a council or use of an existing body or board.

### **HOUSE BILL 881**

### **CHARTER SCHOOLS COMMISSION**

The new Charter School Commission will work in collaboration with the Department of Education (DOE). Startup funds will be received by DOE in addition to the regular appropriations from the General Assembly. DOE will also assist in securing federal and other institutional grants to establish the Commission. The Commission will consist of seven members: three members appointed by recommendation of the Governor; two by the President of the Senate; and two by the Speaker of the House of Representatives.

Each Commission charter school will receive funding through the appropriation of state and federal funds equal to the sum of QBE formula earnings and grants earned by the charter school; these are based on the school's enrollment, school profile, and student characteristics. A proportional share of state categorical grants, non-QBE state grants, state equalization grants, and all other state and federal grants will also be calculated in the funding mechanism for charter schools.

### **HOUSE BILL 1209**

### **STATE BOARD OF EDUCATION; LOCAL SCHOOL SYSTEMS; CONTRACTS; PROVISIONS (IE<sup>2</sup>)**

This bill establishes a system in which local school systems can develop five-year strategic plans, in conjunction with the Office of Student Achievement (OSA), with final approval of the State Board of Education (BOE). The OSA advises and works with the local board of education to set appropriate measures and benchmarks in the local system's strategic plan. The bill requires a local school system to notify the BOE of any intention to request increased flexibility with a strategic plan in place by June 30, 2013. This law does not apply to any school or system that is currently classified, or in the process of receiving charter school status.

Additionally, this bill deletes obsolete language grandfathering in contracts employing local school superintendents that exceed three years. It provides new language specifying that local school superintendents may serve in another staff position while serving as the local superintendent, or may serve as the superintendent of more than one local school system.

## **ETHICS**

### **HOUSE BILL 296**

### **SPECIAL ELECTIONS**

This bill reduces the number of dates on which special elections to submit questions to the voters may be held. In odd-numbered years, a special election may be held either on the third Tuesday in March or on the Tuesday after the first Monday in November. In even-numbered years, these special elections may be held on the date of a presidential preference primary, the date of a general primary, or the Tuesday after the first Monday in November. This legislation goes into effect on January 1, 2010.

## **FINANCE**

### **SENATE RESOLUTION 996**

### **USAGE OF TAX FUNDS FOR REDEVELOPMENT**

Through this Constitutional Amendment, the General Assembly may authorize any county, municipality, or housing authority to undertake and carry out community redevelopment.



A general law may authorize the use of county, municipal, and school tax funds, or any combination, to fund applicable redevelopment purposes and programs, regardless of whether any county, municipality, or local board of education authorizes the use of such tax funds for those purposes before or after January 1, 2009. No local government may use the funds without express resolution.

**HOUSE BILL 237                      SALES TAX EXEMPTIONS: MANUFACTURING MACHINERY AND EQUIPMENT**

This legislation provides for sales and use tax exemptions on equipment, in addition to machinery, used for manufacturing. The maximum sales price of \$150,000 on each item no longer applies.

**HOUSE BILL 272                      PARTIAL TAX EXEMPTION FOR CERTAIN ENERGY USED IN MANUFACTURING**

This legislation provides for a partial exemption from the state sales and use tax for the period commencing on July 1, 2008, through December 31, 2010, on the sale of natural or artificial gas, No. 2 fuel oil, No. 6 fuel oil, propane, coal, petroleum coke, and the fuel cost recovery component of retail electric rate used directly or indirectly in the manufacture or processing, in a manufacturing plant located in the state, of tangible personal property primarily for resale. The exemption provided will not apply to any local sales and use tax levied or imposed at any time.

**HOUSE BILL 926                      REVENUE CODE REVISIONS: ADOPTION OF FEDERAL IRS CODE; DEDUCTION OF FEDERAL REBATES**

This legislation adopts federal tax law changes which became effective during 2007.

Examples of tax relief included in adoption of the federal changes include:

- Home Mortgage Debt Forgiveness Relief;
- Extension of mortgage insurance premiums as deductible interest; and
- Increase of small business expense limitation.

This legislation will ensure that the federal rebates of 2008 will not be taxable.

**HOUSE BILL 948                      ANNUAL SALES TAX HOLIDAY**

The annual Sales Tax Holiday on school supply purchases will commence at 12:01 A.M. on Thursday, July 31, 2008, and conclude at 12:00 Midnight on Sunday, August 3, 2008.

The annual Sales Tax Holiday on energy efficient products will commence at 12:01 A.M. on Thursday, October 2, 2008, and conclude at 12:00 Midnight on Sunday, October 5, 2008.

**HOUSE BILL 1133                      PRIVATE DONATIONS TO STUDENT SCHOLARSHIPS**

This legislation provides that each student scholarship organization<sup>1</sup> must obligate 90 percent of its annual revenue for scholarships and tuition grants and maintain separate accounts for scholarship funds and operating funds. Student scholarship organizations must also conduct an audit of its accounts and provide the audit to the Department of Revenue (DOR). The student scholarship organization must report to the DOR, by January 12 of each tax year, the total number and dollar value of contributions and tax credits approved and a list of donors, including the dollar value of each donation and approved tax credit.

An individual taxpayer will be allowed a credit against tax liability for qualified education expenses<sup>2</sup> in the amount, whichever is less, of the actual amount expended or \$1,000 per tax year for a single individual, or the actual amount expended, or \$2,500 per tax year for a married couple filing a joint return. A corporation will be allowed a credit against the tax imposed for qualified education expenses in an amount not to exceed the actual amount expended, or 75 percent of the corporation's income tax liability, whichever is less. The tax credit will not be allowed if the taxpayer designates the taxpayer's qualified education expense for the direct benefit of any dependent of the taxpayer.

The aggregate amount of tax credits allowed cannot exceed \$50 million per tax year. The DOR Commissioner will allow the tax credit on a first-come, first-served basis.

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<sup>1</sup> "Student Scholarship Organization" means a charitable organization that is exempt from federal income taxation and allocates 90 percent of its annual revenue for scholarships or tuition grants.

<sup>2</sup> "Qualified Education Expense" means the expenditure of funds by the taxpayer during the tax year for which a credit is claimed and allowed to a student scholarship organization which are used for tuition and fees for a qualified school or program.

**HOUSE BILL 1159****TAX CREDITS: ADOPTIONS**

This legislation provides that a taxpayer will be allowed a credit against the tax liability for the adoption of a qualified foster child.

The amount of the credit will be \$2,000.00 per qualified foster child per taxable year beginning with the year in which the adoption becomes final and ending when the adopted child attains the age of 18.

The total amount of the tax credit for a taxable year cannot exceed the taxpayer's income tax liability.

**HOUSE BILL 1211****GEORGIA FOREST LAND PROTECTION ACT OF 2008**

The following additional rules will apply to the qualification of property for conservation use assessment:

- All contiguous forest land conservation use property of an owner within a county for which forest land conservation use assessment is sought will be in a single covenant;
- When one-half or more of the area of a single tract of real property is used for the qualifying purpose, then the tract will be considered as used for the qualifying purpose unless some other type of business is being operated on the unused portion; and
- No otherwise qualified forest land conservation use property will be denied conservation use assessment on the grounds that no soil map is available for the county in which such property is located.

No property will qualify for conservation use assessment unless and until the qualified owner of the property agrees by covenant with the appropriate taxing authority to maintain the eligible property in forest land conservation use for a period of 15 years beginning the first day of January of the year the property qualifies for such conservation use assessment and ending on the last day of December of the final year of the covenant.

If any breach of a covenant occurs, the existing covenant will be terminated and all qualification requirements must be met again before the property will be eligible for conservation use assessment. All applications for conservation use assessment must be filed on or before the last day of filing ad valorem tax returns in the county for the tax year such conservation use assessment is sought. A penalty will be imposed if, during the period of the covenant entered into by a qualified owner, the covenant is breached.

Property subject to forest land conservation use assessment will be separately classified from all other property on the tax digest. Covenants will be public records. The forest land conservation use value of any forest land conservation use property for the taxable year beginning January 1, 2010, or any subsequent taxable year, cannot increase or decrease by more than 3 percent from its forest land conservation use value as set forth in the table of values established by the DOR Commissioner.

**HOUSE BILL 1274****INCOME TAX CREDIT: CONSERVATION USE DONATIONS;  
CARRYOVER**

This legislation provides that income tax credits for the donation of real property for conservation purposes cannot exceed 25 percent of the difference between the Fair Market Value (FMV) and the amount paid to the donor if the donation is effected by a sale of property for less than FMV as established for the year in which the donation occurred.

The credit cannot exceed the lesser of \$500,000 or 25 percent of the FMV, or 25 percent of the FMV less the amount paid to the donor (if there is a loss from the sale under the FMV).

Additionally, the total credit allowed to partners or partnerships is limited to whichever is less:

- \$ 1 million; 25 percent of the FMV of the donation property in the year of donation; or 25 percent of the FMV less the amount paid to the donor (if there is a loss from the sale under the FMV).

Whenever any person prepares an appraisal and knows (or reasonably should have known that the appraisal would be used in connection with a return or a claim for refund claiming a tax credit) or the claimed value of the property on a return or claim for refund which is based on the appraisal results in a substantial valuation misstatement, then the person must pay a penalty.

The amount of the penalty will be equal to the lesser of the greater of 25 percent of the difference between the amount of the tax credit claimed and the amount which the taxpayer is

actually entitled or \$1,000.00; or will be equal to 125 percent of the gross income received by the person for the preparation of the appraisal. No penalty will be imposed if the person establishes to the satisfaction of the DOR Commissioner that the value established in the appraisal was most likely the proper value.

#### **HOUSE RESOLUTION 1276                      LARGE CONSERVATION USE FOREST AMENDMENT**

This resolution encourages the preservation, conservation, and protection of the state's forests through the special assessment and taxation of certain forest land conservation use property and assistance grants to local government.

This forest land conservation use property only includes forest land tracts exceeding 200 acres owned by a qualified owner, and the local assistance grants are meant to offset revenue loss attributable to the implementation of this new language for counties, municipalities, and county and independent school districts.

### **GOVERNMENT OVERSIGHT**

#### **HOUSE BILL 1113    STATE PURCHASING CARDS**

This legislation seeks to curtail the misuse of state-issued credit or debit cards (purchasing cards) by state employees. Purchasing card programs of state departments or agencies must meet certain requirements, including, but not limited to the following: purchasing cards may only be issued to state employees whose jobs require the use of the cards; every purchase made with a card must be accompanied by a receipt, without which the employee would be personally responsible for the purchase; the cards may not be used to purchase items over \$5,000 unless purchased pursuant to a state contract; and the cards may never be used to purchase gift cards, alcohol, tobacco, or personal items that are not job-related. Additionally, departments and agencies are charged with reviewing all purchasing cards issued to their employees and eliminating cards that have low usage; if more than 100 cards have been issued, the department or agency must aim to reduce the number of issued cards by 10 percent by the end of 2009.

This legislation also includes provisions from Senate Bill 548, which provides stronger penalties for employees using state funds for personal benefit. These penalties cover persons making illicit purchases through state-provided methods, including purchase orders, government contracts, credit cards, or debit cards; these penalties also apply to persons who misappropriate travel advances or who submit fraudulent requests for reimbursement of expenses. For unlawful acts involving an amount under \$500, a person could be found guilty of an aggravated misdemeanor punishable by up to one year imprisonment; a fine of up to \$5,000; immediate termination of employment; and restitution to the state equal to the amount in question plus 12 percent in annual interest from the time the crime was committed. For unlawful acts involving an amount equal to or over \$500, a person could be found guilty of a felony punishable by one to 20 years imprisonment; a fine of \$50,000 or triple the amount in question, whichever is greater; immediate termination of employment; restitution to the state equal to the amount in question plus 12 percent in annual interest from the time the crime was committed.

#### **HOUSE BILL 1234    MEDICAID CARE MANAGEMENT ORGANIZATIONS ACT**

This legislation contains provisions related to care management organizations (CMOs) that contract with the Department of Community Health (DCH) to provide health services to Medicaid and PeachCare recipients, including, but not limited to, the following:

- CMOs must obtain a certificate of authority as an HMO and must follow current HMO law;
- CMOs may not inappropriately deny or reduce payment to an emergency health care provider for emergency care, nor may they make payment for emergency services contingent on the recipient or provider giving prior notification;
- A CMO must reimburse out-of-network providers at the same rate paid by DCH for emergency services and post-stabilization services;
- CMOs are required to cover newborns born to a mother enrolled with the CMO and to coordinate the baby's care until discharged home;
- Regarding the review of provider complaints or appeals, a CMO must allow providers to consolidate complaints or appeals of multiple claims involving the same or similar payment or coverage issues. The bill also requires CMOs to pay interest from the date a claim was filed if the claim has been inappropriately denied or left unpaid;
- A CMO may not deny a dentist from participating in its network, provided that the dentist is licensed to practice in Georgia, meets all DCH requirements for participation in the Medicaid and PeachCare program, and meets one of the following criteria: (1) the dentist will provide services to members pursuant to a state or federally funded educational loan forgiveness program requiring such services; (2) the geographic area in which the dentist intends to

practice has been designated as having a dental professional shortage; or (3) the CMO fails to establish to the satisfaction of DCH that a sufficient number of dentists have contracted with the CMO;

- Each CMO must maintain a website that allows providers to submit, process, edit, rebill, and adjudicate claims electronically. Moreover, to the extent that a provider has the capacity, CMOs are to submit payments to providers electronically;
- Each CMO must post on its website a searchable list of all providers with which it has contracted;
- A CMO may not require its providers to accept other plans offered by the CMO; and
- If a provider has complied with all of DCH's published procedures for verifying a patient's eligibility for Medicaid benefits, DCH must reimburse the provider for all covered services provided to the patient within the 72 hours following the verification, if such services are denied by a CMO or DCH because the patient is not enrolled as shown in the verification process.

## **HEALTH AND HUMAN SERVICES**

### **SENATE BILL 433**

### **REVISION OF CERTIFICATE OF NEED**

Senate Bill 433 provides for extensive revision of the Certificate of Need (CON) Program. This bill represents a compromise between stakeholders and contains many recommendations of the Commission on the Efficacy of Certificate of Need. The major aspects of the bill include provisions regarding the CON application and appeals process, reviewability thresholds, ambulatory surgical centers, destination cancer hospitals, continuing care retirement communities, nursing homes, and the redefining of general surgery as a single specialty.

#### **Process Improvements**

First, the bill seeks to improve the CON process in its entirety by increasing efficiency in the regulation of health care. It transfers all licensing authority from the Department of Human Resources (DHR) to the Department of Community Health (DCH) beginning July 1, 2009 and restructures the Health Strategies Council to serve in an advisory capacity. The bill also establishes fixed deadlines for application review and streamlines the CON appeal process by:

- Requiring DCH to review an application within 120 days;
- Requiring the Superior Court to rule on an appeal within 120 days; if the Court does not rule within that time frame, the original decision is affirmed; and
- Requiring an appellant who loses in Superior Court to pay the attorneys' fees of the other party.

#### **Hospital Matters**

This legislation also:

- Creates a CON exemption for certain non-medical expenditures, such as parking decks, medical office buildings, gift shops, and computer systems;
- Eliminates CON review for capital improvements under \$2.5 million (currently \$1.7 million);
- Eliminates CON review for more hospital beds if the hospital is consistently near full capacity;
- Exempts hospital-based adult diagnostic cardiac catheterization;
- Exempts therapeutic cardiac catheterization in hospitals selected by DCH that meet quality standards (as defined by the Atlantic Cardiovascular Patient Outcomes Research Team (C-PORT) Study);
- Modifies existing CON criteria for basic perinatal (Level I OB) services. If there is only one existing perinatal services provider in the county (or none), a hospital can apply for a CON without having to meet the "need" criteria (need will be presumed). The purpose of this is to provide local community hospitals with the ability to offer basic obstetrics services and to obtain revenue from these services; and
- Exempts imaging services equipment costing less than \$1 million (currently \$863,000).

#### **Ambulatory Surgery Centers (ASCs)**

This bill provides for a CON exemption for ASCs by:

- Defining single specialty to include general surgery, which will allow general surgeons to open an exempt single specialty ASC so long as the facility's capital expenditures are less than \$2.5 million (currently \$1.7 million), or the facility is the only single specialty ASC in a county and has two or fewer operating rooms;
- Adding a definition of a Joint Venture single specialty ASC for doctors and hospitals. Hospital-physician Joint Venture ASCs are exempt from CON so long as the facility is built with less than \$5 million;

- Requiring all new exempt ASCs to provide 2 percent of their annual revenues to indigent or charity care patients and must provide services to Medicaid and PeachCare patients. If an ASC does not provide services to Medicaid or PeachCare, it must provide 4 percent of its gross revenues to indigent/charity patients. Current law does not require any exempt ASCs to provide indigent or Medicaid services—this bill adds this new obligation;
- Requiring existing ASCs to provide the same level of indigent/charity and Medicaid/PeachCare if they spend more than \$800,000 in a two-year period, add an operating room, or relocate; and
- Requiring all existing ASCs to provide financial data to DCH.

#### Destination Cancer Hospitals – Cancer Treatment Centers of America (CTCA)

Senate Bill 433 also outlines the CON requirements for “destination cancer hospitals” seeking to commence operations in Georgia. The bill modifies the criteria for obtaining a CON in order to recognize the regional nature of the facility and subjects CTCA to the following requirements:

- The facility must be located within 25 miles of Hartsfield-Jackson Atlanta International Airport;
- It must provide at least 3 percent of its annual adjusted gross revenues for uncompensated indigent or charity care, and it must provide services to Medicaid patients;
- CTCA must demonstrate that its annual patient base will be composed of a minimum of 65 percent of patients who reside outside the state of Georgia. Failure to meet this requirement will result in a fine of up to \$2 million in the first year, \$4 million in the second year, \$6 million in the third year, and an additional \$8 million if it fails to meet this requirement three out of five years; and
- DCH may revoke its CON if CTCA falls below the 65 percent requirement three out of five years.

#### Continuing Care Retirement Communities (CCRCs)

CCRCs will be exempt from CON, provided that the skilled nursing component is for the exclusive use of the facility’s residents, and a written exemption is obtained from DCH. New sheltered nursing home beds may be used on a limited basis, pursuant to a sliding scale over a five-year period, by patients who are not residents of the CCRC, but such beds will not be eligible for Medicaid reimbursement.

#### Division of Nursing Home Facilities

DCH may allow a nursing home facility to divide into two or more facilities without obtaining an additional CON if DCH determines that division of the facility is financially feasible and would be consistent with quality patient care. Additionally, the alternate location of the nursing home facility must be within the same county and must not qualify as an expanded service.

### **SENATE BILL 507**

### **BASIC THERAPY SERVICES**

The purpose of Senate Bill 507 is to ensure that disabled children receive the medically necessary<sup>3</sup> therapy services<sup>4</sup> to which they are entitled under Medicaid’s Early Periodic Screening, Diagnostic, and Treatment Program (EPSDT). It seeks to simplify the process and paperwork by which occupational, speech, and physical therapy services are applied for and received by eligible children.

All eligible children under age 21 will receive therapy services regardless of whether they are categorically needy children or medically fragile children. Prior approval for therapy services will be for a period of up to six months, as consistent with the individual needs of the child. DCH will develop consistent requirements and procedures for utilization review and prior approval of therapy services prescribed for children and will grant prior approval for requests for therapy services that are prescribed as medically necessary. In cases where prior approval is required, it must be decided within 15 business days, and it may not be denied until it has been evaluated under the EPSDT Program.

If DCH, a review vendor, or a CMO does deny prior approval, it must give notice of the following information to the affected Medicaid recipients:

- The medical service or procedure for which prior approval is denied and the specific reason for denial; and
- Any additional information needed from the child’s medical provider that could change the decision of the entity.

<sup>3</sup> “Medically necessary” means services which are prescribed by a physician which, pursuant to the EPSDT Program, diagnose, correct, or ameliorate defects, physical and mental illnesses, and health conditions, regardless of whether such services are covered under the state plan.

<sup>4</sup> “Therapy services” includes occupational, speech, and physical therapy services, or other services provided pursuant to the EPSDT Program that are recommended as medically necessary by a physician.

The bill specifies that its contents are not to be construed as preventing DCH from conducting utilization reviews of the diagnosis or treatment of a child receiving basic therapy services under the EPSDT Program, so long as the review does not unreasonably deny or delay the provision of medically necessary services.

#### **HOUSE BILL 535**

#### **DISABILITY SERVICES OMBUDSMAN**

This legislation repeals current law providing for a State and a Community Ombudsman for Mental Health, Mental Retardation, and Substance Abuse, and instead provides for the Office of Disability Services Ombudsman (Office). The Ombudsman will serve as chief officer of the office. The Ombudsman will promote the safety, well-being, and rights of mental health consumers; will establish procedures for investigating and resolving complaints; investigate actions of service providers; establish a uniform statewide complaint process; enter and inspect facilities; access clinical and agency records; promote the interests of consumers to government agencies; and report to law enforcement when appropriate. The bill also includes a separate clause to cover persons with developmental disabilities and addictions.

### **HIGHER EDUCATION**

#### **SENATE BILL 169**

#### **DIRECT LOANS AND NORTH GEORGIA COLLEGE SCHOLARSHIPS**

This legislation requires that the Georgia Student Finance Authority (Authority) provide direct loans with an annual interest rate of one percent to eligible students. The "Graduate On Time Student Loan Act" and the "Education for Public Service Student Loan Act" are both established to provide for direct loans to students at certain postsecondary institutions and provide for separate loan funds for the student loan programs. The bill also allows Georgia students to contribute to these funds for student loans on their income tax return. Lastly, grants are established for North Georgia College and State University students who accept a military commission.

#### **HOUSE BILL 152**

#### **HOPE SCHOLARSHIPS AND GRANTS – EXPANDING ELIGIBILITY**

This legislation expands eligibility for the HOPE scholarship and grant at public and private postsecondary institutions to otherwise qualified students who earned a score in the 85<sup>th</sup> percentile or higher nationally on a standardized college admission test and who:

- received a general education development (GED) diploma after June 20, 1993;
- completed a home study program; or
- graduated from an ineligible high school.

### **INSURANCE AND LABOR**

#### **SENATE BILL 213**

#### **INSURANCE: WAIVING OF RETALIATORY OBLIGATIONS**

This legislation allows the Insurance Commissioner to waive any retaliatory obligations, prohibitions, or restrictions that would prohibit entry into this state of any insurer domiciled in another state if, in his or her discretion, the entry of the insurer would be expected to enhance competition in this state and would be in the best interests of the citizens of this state. The discretion provided by this legislation does not extend to any retaliatory taxes, fees, fines, penalties, or deposit requirements.

#### **SENATE BILL 276**

#### **STACKING OF UNINSURED MOTORIST COVERAGE; AND RATE FILINGS: ESTABLISH FILE AND USE PROCEDURES FOR AUTO INSURANCE**

Uninsured/Underinsured motor (UM) vehicle coverage is an optional portion of an auto insurance policy that protects a policyholder from uninsured, underinsured, and hit-and-run drivers. Current law allows an injured party to collect on vehicle damages from the at-fault driver plus the injured party's UM policy only up to the amount of their UM coverage. For example, if an injured party's UM coverage limit is \$50,000, but has sustained \$75,000 in damages, the injured party can never claim an aggregate of more than \$50,000 from the at-fault driver and their own UM coverage; even if the two policies, combined, equal or exceed \$75,000.

This legislation offers consumers three choices when faced with the opportunity to purchase UM coverage:

1. Option one allows stacking or combining the at-fault driver's liability coverage with the injured parties UM coverage up to the total cost of damages. As such, the injured party in the above example would be able to access his \$50,000.00 in UM coverage, "stack" it

to the at-fault driver's \$50,000.00 liability policy, and recover all of the \$75,000 in damages;

2. Option two allows a driver to reject the stacking option and purchase or maintain traditional UM coverage in a limit the driver feels is appropriate. This option does not diverge from current law; or
3. Option three allows the driver to reject UM coverage altogether. Again, this option does not diverge from current law.

For policies in effect on January 1, 2009, insurers must send to their insureds who have not rejected UM coverage a notice at least 45 days before the next policy renewal advising of the coverage options set forth in this legislation. This notice will not be required for any subsequent renewals.

The stacking coverage is not required to be provided in or supplemental to a renewal policy where the insured has rejected the stacking and selected traditional UM coverage in connection with a current policy issued by the same insurer.

#### Rate Filings – Exceptions to Commissioner's Prior Approval

Current law authorizes the Insurance Commissioner to reject any auto policy rate increase that is unreasonably high for the insurance provided. This legislation would require the Commissioner to also prove that a reasonable degree of competition does not exist before rejecting such rate increase.

This legislation also requires insurers to seek prior approval from the Insurance Commissioner for policy rate filings providing only the mandatory minimum limits for auto insurance.

For all other forms of optional auto insurance, rates will be treated on a file and use basis; becoming effective upon filing and without the Commissioner's prior approval. File and use applies to the entire policy with limits above the mandatory minimum required by law; it will also apply to the entire policy with minimum limits if such policy has any additional nonmandatory coverage or coverages.

#### **SENATE BILL 348**

#### **PROHIBITING LOCAL TAXES AND FEES**

The legislation prohibits local governments from imposing any fees or taxes, other than the 2.5 percent local premium tax, upon insurance companies for covering the cost of providing services involving motor vehicle accidents. This legislation does not apply under the following circumstances:

1. When the coverage of such services is expressly provided by an insurer to the insured and the services are lawfully billed to the insured;
2. When the local government provides emergency medical services (EMS) to the insured, whenever the insured's medical insurance covers such services and the insured assigns the right to collect to the EMS provider; or
3. Where the local government provides other services to the insured that are expressly authorized by state or federal law to be billed directly to the insurer.

#### **SENATE BILL 383**

#### **HEALTH SAVING ACCOUNT-ELIGIBLE HIGH DEDUCTIBLE PLANS**

This legislation requires the Insurance Commissioner to develop flexible guidelines for coverage and approve HSA-eligible high deductible plans which are designed to qualify under federal and state requirements. This legislation also authorizes the Commissioner to:

- Conduct a national study of HSA-eligible high deductible plans available in other states and to determine if and how these products serve the uninsured and if they should be made available to Georgians;
- Develop an automatic or fast track approval process for HSA-eligible high deductible plans already approved in Georgia and other states; and
- Promulgate rules for the design, promotion, and regulation of HSA-eligible high deductible plans.

#### Wellness and Health Promotion Programs

Insurers are authorized to include and operate wellness and health promotion programs, disease and condition management programs, health risk appraisal programs, and similar provisions in their high deductible health policies.

### Preferred and Nonpreferred Providers

There will be no required relationship between preferred provider and nonpreferred provider plan reimbursements for HSA-eligible high deductible plans using nonpreferred provider reimbursements. The plans, however, must not:

- Unfairly deny health benefits for medically necessary covered services;
- Have differences in benefit levels payable to preferred providers compared to other providers that unfairly deny benefits for covered services;
- Have a plan coinsurance percentage applicable to benefit levels for services provided by nonpreferred providers that is less than 50 percent of the benefit levels under the policy for such services; or
- Have an adverse effect on the availability or the quality of services.

### Preferred and Nonpreferred Provider Coverage for Pharmaceutical or Dental Services

Notwithstanding the preferred and nonpreferred provider provisions of this legislation, health benefit plans providing incentives for covered persons to use pharmaceutical or dental services of preferred providers must contain a provision which clearly identifies that the payment or reimbursement for a noncontracting provider of covered pharmaceutical or dental services will be the same as the payment or reimbursement for a preferred provider of covered pharmaceutical or dental services. However, the health benefit plan will not be required to make payment or reimbursement in an amount which is greater than the actual fee charged by the provider for the dental or pharmaceutical services rendered.

### Health Reimbursement Arrangement Only Plans (HRAs)

The Insurance Commissioner is authorized to allow health reimbursement arrangement only plans (HRAs) that encourage employer financial support of health insurance or health related expenses recognized under the rules of the IRS to be approved for sale in connection with or packaged with individual health insurance policies.<sup>5</sup> Health reimbursement arrangement only plans that are not sold in connection with individual health insurance policies will not be considered insurance.

### Consumer Choice Option

The provisions of the Consumer Choice Option apply to insurance products offered under this legislation. The Consumer Choice Option allows enrollees to nominate one or more out-of-network health care providers or hospitals for use by that enrollee and eligible dependents, if such provider or hospital:

- Is located within and licensed by the state;
- Agrees to accept reimbursement from both the plan and the enrollee at the rates and on the terms and conditions applicable to similarly situated participating providers and hospitals;
- Agrees to adhere to the managed care plan's quality assurance requirements; and
- Meets all other reasonable criteria as required by the managed care plan of in network providers and hospitals.

## **HOUSE BILL 1235                      WRONGFULLY TOWING OR IMPOUNDING A FLEET VEHICLE WITH VALID INSURANCE**

Current law allows a valid insurance card to serve as proof of insurance for any vehicle covered under a fleet policy. This legislation provides that if any law enforcement officer or agency fails to recognize a fleet insurance card as valid proof of insurance and impounds or tows the vehicle for lack of proof of insurance, the law enforcement agency or political subdivision will be liable for, and limited to, the fees associated with the wrongful impoundment or towing of the vehicle. This in no way waives or diminishes any sovereign immunity of the governmental entity.

## **JUDICIARY**

### **SENATE BILL 1    REGISTERED SEXUAL OFFENDERS**

In 2006, the General Assembly passed House Bill 1059, comprehensive legislation aimed at protecting Georgia's citizens from sexual offenders. Last year, the Georgia Supreme Court struck down several portions of that law. Senate Bill 1 addresses the concerns of the court while maintaining strict vigilance in monitoring sexual offenders.

This bill repeals the current version of Code Section 42-1-15 and inserts the following:

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<sup>5</sup> HRAs consist of funds set aside by employers to reimburse employees for qualified medical expenses, just as an insurance plan will reimburse covered individuals for the cost of services incurred. Employers qualify for preferential tax treatment of funds placed in an HRA in the same way that they qualify for tax advantages by funding an insurance plan. (Employers can deduct the cost of an insurance plan -- and now a health reimbursement account -- as a business expense under Internal Revenue Code section 162.)



- Registered sex offenders cannot reside within 1,000 feet of a child care facility, church, school, or area where minors congregate;
- Registered sex offenders cannot be employed by or volunteer at any child care facility, school, or church, nor at any business that is located within 1,000 feet thereof;
- Sexually dangerous predators cannot be employed by or volunteer at any business located within 1,000 feet of an area where minors congregate;
- Registered sex offenders cannot loiter at any child care facility, school, or area where minors congregate;
- Registered offenders cannot intentionally photograph a minor without parental consent (this offense will be a high and aggravated misdemeanor, not a felony).

If a registered sex offender resides on real property that he/she owns or has established employment in an area, and a child care facility, church, school or area where minors congregate thereafter locates itself within 1,000 feet, the offender will *not* be guilty of violating the above restrictions, provided that he/she provides sufficient proof of this exemption to the county sheriff where he/she is registered within ten days of being notified of the violation. In the case of residency, sufficient proof includes a driver's license or other government issued identification, and an individual may prove property ownership with a valid deed. For proof of place of employment, an offender should provide an IRS W-2 form, pay check, or notarized verification from the employer and the proof must provide a location where the offender actually performs his/her job.

A registered sex offender who knowingly violates this statute will be guilty of a felony and will receive 10 to 30 years in prison. The law applies only to registered sex offenders.

#### **SENATE BILL 405**

#### **GEORGIA REVISED UNIFORM ANATOMICAL GIFT ACT**

This bill, written in order to correspond with federal law, applies to donations from deceased donors as a result of gifts made before or after their deaths, creating an "opt-in" system that honors the free choice of an individual to donate the individual's organ and preserves the right of other persons to make an anatomical gift of a decedent's organs if the decedent had not made a gift during life. The only persons authorized to make an anatomical gift are the donor, donor's agent, unless otherwise stated in an advance directive for health care or durable power of attorney, a parent of an unemancipated minor donor, or the donor's guardian. A minor donor may make an anatomical gift without parental permission if he/she is emancipated or is at least 16 years old. Individuals may make anatomical gifts via their drivers' licenses, in a will, by communicating such to at least two adults during a terminal illness, or by granting power under a durable power of attorney. A donor or authorized person may make an anatomical gift by donor card or record signed by either party, or by authorizing that anatomical gift is included on a donor registry. Anatomical gifts can be amended or revoked by the execution of a later-executed record or by inconsistent documents of gifts.

The law prohibits families from making or revoking anatomical gifts in contravention of a donor's wishes. A limited exception applies if the donor is a minor at the time of death. In this case, either parent may amend or revoke the donor's anatomical gift. However, in the absence of an express, contrary indication by the donor or other authorized person to make an anatomical gift, making a gift is not a refusal to give another anatomical part at a later time.

Notably, the law creates a priority preference for transplantation or therapy over research or education when an anatomical gift is made in a document that fails to establish priority. Since a general statement of intent to be an organ donor does not result in the making of an anatomical gift of the whole body, or any part, for research or education, more specific language is required to make such a gift. If an anatomical gift of the decedent's body or parts does not pass to a named person designated in a gift document, it passes to a procurement organization typically for transplantation or therapy and possibly for research or education.

A person who knowingly purchases or sells a part for transplantation commits a felony, punishable by a fine up to \$50,000 and/or imprisonment up to five years, except that a person may charge a reasonable amount for the removal, preservation, storage, transportation, implantation or disposal of a part. One who intentionally falsifies, conceals, or obliterates a document of gift, amendment or revocation of such a document, or a refusal, commits a felony punishable by a fine up to \$50,000 and/or imprisonment up to five years.

#### **HOUSE BILL 1245**

#### **INDIGENT DEFENSE**

This bill is based upon the findings of the 2007 Joint Indigent Defense Study Committee. The purpose of the bill is to make changes to the current indigent defense system in Georgia with the goal of maintaining solvency. A senior judge cannot not be assigned, designated, or preside

in any criminal case involving a offense for which the death penalty may be imposed, unless designated to do so when he/she was an elected judge.

An indigent person is defined as one charged with a misdemeanor, probation violation, municipal or county offense punishable by imprisonment as one who earns less than 100 percent of the federal poverty guidelines, as opposed to the current 125 percent. Juveniles who commit misdemeanor offenses will be subject to the 125 percent guideline. Each governing authority must operate a verification system to determine indigence and produce auditable information to the Standards Council (Council). The Council will establish rules and regulations concerning the verification systems and provide annual written notification to the clerk's authority concerning which local governments are maintaining approved systems.

The bill also creates new budgeting requirements for the Council, namely that all funds received must be disclosed by revenue source, including special project funding. The Council must also disclose how much funding it receives from each county and city. Now that oversight of the Council falls under the executive branch, the bill will allow the Governor and the General Assembly to request audits of Council funds at any time. The director of the Council will be appointed by the Governor, required to have seven years of legal experience, and be a member of the State Bar. The Council is given the duty of preparing an annual report to provide the General Assembly and the Governor with its assessment of the costs and savings associated with each program and each governing authority's indigence verification program.

Circuit public defenders must establish methods for identifying conflicts of interest at the earliest possible opportunity. If there is a conflict of interest such that the circuit public defender office cannot represent a defendant, the attorney who is appointed to represent the defendant will have a contractual relationship with the Council to represent the affected indigent persons, which may include a flat fee structure. However, the services of another circuit public defender office should be utilized whenever feasible. The Council must consider the most efficient and effective system of providing representation in conflict cases.

The 72-hour rule is amended to state that entitlement to a public defender's services begins no more than three business days after the defendant is arrested or charged *and* applies for indigent defense services.

## **NATURAL RESOURCES AND THE ENVIRONMENT**

### **SENATE BILL 342**

### **RESERVOIRS**

Between the years 1985 and 2000, the number of individuals in Georgia served by public water providers increased by 44 percent. In the same period, water use increased by 50 percent, indicating that water use in Georgia is increasing faster than the population is growing. Water management issues in Georgia have become increasingly important over the last five years, further heightened by the continued drought of unprecedented duration and severity. In response to this drought, the General Assembly passed Senate Bill 342, which includes the language of House Bill 1226, the Georgia Water Supply Act, to build and expand reservoirs.

This bill authorizes the Soil and Water Conservation Commission to fund the cost of obtaining permits for reservoirs and provides for expedited permitting of the reservoirs through the Environmental Protection Division (EPD).

Further, this bill also creates a Water Supply Division (WSD) within the Georgia Environmental Facilities Authority (GEFA) to acquire, design, construct, equip, maintain, expand, and improve reservoirs in the state. The WSD, in cooperation with the Department of Natural Resources, must take all reasonable steps at the earliest practicable date to inventory and survey feasible sites for water reservoirs within the state; however, no reservoir will include an electrical generation facility unless the facility does not cause the release of water from the reservoir for generation of power. All uses of water reservoirs and acquired surrounding lands must be subordinate to the use of the reservoirs for water supply purposes.

Senate Bill 342 also creates a Legislative Oversight Committee and a Georgia Reservoir Fund (Fund); the Fund will consist of proceeds of bonds, any moneys paid to GEFA under intergovernmental contracts, voluntary contributions, and any federal moneys deposited into the Fund.

This legislation also provides for an additional sales and use tax exemption for the purchase of water efficient products with a sales price of \$1,500 purchased for noncommercial home or personal use and extends the tax exemption period from October 2, 2008 until October 5, 2008. The term “water efficient product” is defined as any product used for the conservation or efficient use of water which has been designated by the United States Environmental Protection Agency (EPA) as meeting or exceeding EPA’s water saving efficiency requirements, or which has been designated as meeting or exceeding the requirements under EPA’s Water Sense program.

Finally, nothing in this legislation will alter or abrogate any provisions of current law, rules, regulations, or state-wide or regional water plans governing interbasin or intrabasin transfer of waters.

## **HOUSE RESOLUTION 1022**

## **STATE-WIDE WATER MANAGEMENT PLAN**

This resolution ratifies the Comprehensive State-Wide Water Management Plan (Water Plan) adopted by the Water Council on January 8, 2008. Governor Perdue signed House Resolution 1022 on February 6, 2008.

The purpose of the Water Plan, as stated in its enabling legislation, the 2004 Comprehensive Statewide Water Management Planning Act, is to guide Georgia in managing water resources in a sustainable manner to support the state’s economy, to protect public health and natural systems, and to enhance the quality of life for all citizens.

The process for implementation of the Water Plan is as follows:

1. The cycle begins with the completion of a set of water resource assessments by the Environmental Protection Division (EPD). These assessments will define the water quality and water quantity capacities of Georgia’s water resources.
2. A regional water planning council will then be responsible for using regional population and employment estimates to forecast needs for water and assimilative capacity within a water planning region.
3. A regional water development and conservation plan will be prepared by EPD and by regional water councils.
4. Once adopted, the plans will be implemented by the water users in the water planning region and EPD will make water permitting decision based on the plans.

Water planning councils will be diverse and broadly representative of local governments, water users, and other water related interests in each planning region. Water planning regions include one more surface or groundwater resource(s) and are generally aligned with the hydrology of those resources.

Of significance, the Director of EPD will consider more specified criteria in evaluating any application for a new interbasin transfer permit. Intrabasin transfers may continue to occur within the state. However, if a new intrabasin transfer will cross the jurisdictional boundaries of more than four counties, it will not be permitted until consumptive use assessments have been completed and regional water plans have been developed.

## **PUBLIC SAFETY AND HOMELAND SECURITY**

### **SENATE BILL 350**

### **INCREASED PENALTIES FOR DRIVING WITHOUT A LICENSE**

Current law requires all persons who drive on Georgia highways to have a valid driver’s license for the type of vehicle being driven, and new residents of this state to obtain a Georgia driver’s license within 30 days of moving here. Except for the violation of driving with an expired license, this legislation increases some penalties associated with violating this law. Any court having jurisdiction over traffic offenses must report to the Department of Driver Services (DDS) the name and other identifying information of any individual convicted of driving without a license. DDS is required to maintain the information.

#### **First Offense**

Under O.C.G.A. § 40-5-121(a), the first offense for driving without a valid driver’s license is a misdemeanor punishable by imprisonment for two days up to 12 months, and/or a fine of \$500.00 up to \$1,000.00. The conviction also requires the person to be fingerprinted. Such fingerprints, whether taken upon conviction or upon arrest, must be forwarded to the Georgia Crime Information Center (GCIC) where an identification number will be assigned to the individual for the purpose of tracking any future violations by the same offender. The charges, however, will be dropped if, at the time of the hearing, such person presents the court with proof of a valid Georgia driver’s license.

### Subsequent Offenses

A second or third offense within five years of the first offense is an aggravated misdemeanor, punishable by ten days up to twelve months, and/or a fine of \$1,000 up to \$2,500. This bill increases the penalty for a fourth or subsequent offense within five years, making such offense a felony punishable by one to five years in prison and/or a fine between \$2,500 and \$5,000. This legislation authorizes Municipal Courts to impose the punishment for individuals violating the above provisions if convicted of a misdemeanor or misdemeanor of high and aggravated nature as applicable, and upon a conviction of a nonfelony charge or upon conviction of violating any ordinance adopting the provisions of this legislation.

### Pleading Nolo Contendere

Current law provides that a person may plead nolo contendere only once to a charge of driving with a suspended or disqualified license within a five year period; this bill includes the charge of driving without a valid license in this limit on nolo contendere pleas.

### Incarcerated Individuals: Verification of Lawful Presence

Current law requires county, municipal, and regional jails to determine the nationality of each prisoner charged with a felony or DUI. This legislation includes persons convicted of driving without a license in violation of this legislation to such background checks.

### **SENATE BILL 430**

### **GEORGIA BUREAU OF INVESTIGATION'S DNA DATABASE**

Upon the request from a prosecutor or law enforcement agency, the Georgia Bureau of Investigation (GBI) is authorized under this legislation to compare a DNA sample from a suspect in a criminal investigation where the sample was legally obtained to DNA samples maintained by the GBI. However, the GBI is prohibited from adding the suspect's DNA sample to its DNA data bank unless the suspect has been convicted of a crime that requires such person to provide their DNA to the GBI data bank.

### **SENATE BILL 437**

### **ASSEMBLED MOTOR VEHICLE OR MOTORCYCLE; AND VARIOUS PROVISIONS RELATING TO MOTOR VEHICLES**

#### Assembled Motor Vehicle or Motorcycle

Before a certificate of registration is issued for an assembled motor vehicle or motorcycle, it must have been issued a certificate of title in Georgia and must comply with the provisions of Sections 4 and 8 of this legislation.<sup>6</sup>

In addition to the requirements in current law, relating to compliance with federal safety standards, before a title is issued to the owner of an assembled motor vehicle or motorcycle, the owner must have it inspected in order to establish:

- The existence of a verifiable Manufacturer's Certificate of Origin (MCO) or other verifiable documentation of purchase of all major components; and
- That it is outfitted with all of the equipment required under state law and, if applicable, complies with federal emission standards.

The purpose of this inspection is to establish that the assembled motor vehicle or motorcycle is eligible to receive a certificate of title. The Revenue Department is authorized to charge an inspection fee. Vehicles that do not comply with the state equipment laws or federal emission standards are classified as unconventional motor vehicles or motorcycles and may not be titled or registered.

This legislation also makes the following changes:

#### Exemptions from County Decals on License Plates

This legislation exempts disabled parking license plates (40-2-74) and special license plates for veterans (40-2-85.1) from the county decal requirements.

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<sup>6</sup> 'Assembled motor vehicle or motorcycle' or 'kit motor vehicle or motorcycle' means any motor vehicle or motorcycle that is:

(A) Manufactured from a manufacturer's kit or manufacturer's fabricated parts, including replicas and original designs by an owner; at the request of the owner by a third-party manufacturer of motor vehicles or motorcycles; and such manufacturer is not manufacturing and testing in accordance with federal safety standards, unless and until the federal government has certified that the vehicle complies with applicable federal standards;

(B) A new vehicle and consists of a prefabricated body, chassis, and drive train;

(C) Handmade and not mass produced by any manufacturer for retail sale; or

(D) Not otherwise excluded from emission requirements and is outfitted with all of the equipment required under state law.

#### Consolidates Annual Commercial License Fees

This legislation also streamlines and combines certain annual license fees for the operation of the specific commercial vehicles based on their gross vehicle weight.

#### Submission of Certificate of Titles by Lien Holder

Current law requires a security interest holder to submit a title certificate and application to the Commissioner of Revenue or to an authorized county tag agent within 90 days from the date of the creation of the security interest or lien. This legislation shortens the deadline to within 30 days.

#### Rebuilders

This legislation allows a person to rebuild or restore up to two vehicles a year without needing a Rebuilder's license. The legislation redefines a "Rebuilder" to now mean any person, partnership, limited liability company, firm, or corporation engaged in the business of buying more than two salvage or wrecked motor vehicles per year for the purpose of restoring or rebuilding them with used or new motor vehicle parts to be sold as motor vehicles.

### **SENATE BILL 488**

### **DRIVERS' LICENSES**

#### Sections 1 and 5 – Noncitizens Allowed to Retain Foreign License and ID

This section provides that a noncitizen who is eligible for a Georgia driver's license or state issued ID card may be issued a driver's license without having to surrender their foreign license or foreign ID card. DDS will make a notation of the person's driving record, and this information will be made available to law enforcement agencies through the GCIC. These provisions do not apply to commercial driver's licenses or to anyone who is required to terminate their license or ID pursuant to federal law.

An application for a state ID card renewal may be submitted in person before DDS or by other means determined by DDS and subject to DDS rules and regulations, including by mail or electronic means.

#### Section 2 – Exceptions to Possession of Georgia Driver's License

This section provides that a nonresident who possesses a valid driver's license issued by his or her home state or country and who satisfies all other requirements to receive a Georgia driver's license is exempt from being required to possess a Georgia driver's license. If the nonresident's license is in a language other than English, the nonresident must possess a valid international driving permit which conforms to, and has been issued in accordance with, the Convention on Road Traffic and any similar treaty between the U.S. and another nation concerning driving privileges of nonresidents.

#### Section 3 – Temporary Licenses for Noncitizens

Under current law, a driver qualifies for a temporary license, permit, or special identification card if he or she shows documentary evidence of the following:

1. Admission to the United States in a valid, unexpired nonimmigrant status;
2. A pending or approved application for asylum in the United States;
3. Admission into the United States in refugee status;
4. An approved application for temporary protected status in the United States;
5. Approved deferred action status; or
6. Other federal documentation verified by the U.S. Department of Homeland Security to be valid documentary evidence of lawful presence in the United States under federal immigration law.

If an applicant is unable to provide any of the above, this legislation allows the applicant to be issued a temporary document after DDS verifies the applicant's lawful presence in the United States through the Systematic Alien Verification for Entitlements (SAVE) Program established by the U.S. Bureau of Citizenship and Immigration Services. This legislation also provides that temporary licenses, permits, or special identification cards will expire after three years or after the driver's stay in the U.S. has expired, whichever occurs first.

#### Section 4 – Additional Verification Authorized through Department of Homeland Security

Current law requires DDS to confirm the legal status of any noncitizen through the SAVE Program prior to issuing an ID card, driver's license, permit, or other official document. This legislation authorizes DDS to also accept a verbal or email confirmation of the applicant's legal status from the Department of Homeland Security if the SAVE program provides sufficient information to make a determination.

### **HOUSE BILL 77**

### **RED LIGHT CAMERAS**

This legislation establishes a permitting process, overseen by the Georgia Department of Transportation (GDOT), for the installation and maintenance of red light cameras. Its significant provisions include:

- A traffic engineering study must be completed before a red light camera can be installed;
- Local governments must obtain a permit from GDOT before installing a camera;
- A documented safety need must exist before GDOT will issue a permit;
- Existing cameras must comply with GDOT requirements by January 1, 2010;
- Local governments must file an annual report with GDOT regarding the operation of their cameras, citations, and the amount collected from fines; and
- Authorizes GDOT to investigate citizen complaints regarding the cameras.

#### **HOUSE BILL 333**

#### **SALE OR DESTRUCTION OF CONFISCATED WEAPONS**

Under current law a sheriff is allowed to retain, destroy, or advertise for sale any weapon or device which was used as a weapon in the commission of a crime or delinquent act. This legislation provides that the weapon or device will instead be retained by the sheriff, chief of police, or other executive officer of the law enforcement agency that originally confiscated the weapon or device.

Moreover, if the law enforcement agency chooses to sell the weapon or device, it is no longer required to advertise and utilize a bidding process. The agency may sell it pursuant to judicial sale or by any commercially feasible means. The proceeds derived from all sales of the weapons or devices will be turned into the county or municipal treasury that sold the weapon or device. The proceeds derived from the sale of the weapons or devices confiscated by a state law enforcement agency will be paid into the state treasury.

Any law enforcement agency that retains, destroys, or sells any weapon or device pursuant to this legislation must maintain records that include an accurate description of each weapon or device along with records of whether each weapon or device was retained, sold, or destroyed.

#### **HOUSE BILL 983**

#### **OUT-OF-STATE POLICE PURSUITS INTO GEORGIA**

This legislation authorizes law enforcement agencies from neighboring states that are in fresh pursuit of a suspect who crosses into Georgia to arrest and hold in custody such person. This authority is limited to criminal offenses of the pursuing state that also are criminal offenses under Georgia laws that are punishable by death or imprisonment in excess of one year under pursuing state laws.

When an arrest is made in Georgia by another state's law enforcement officer, the law enforcement officer must, without unnecessary delay, take the person before a judicial officer of this state. The judicial officer will conduct a hearing for the limited purpose of determining whether the arrest meets the requirements of this legislation unless the person arrested waives his or her right to a hearing. The judicial officer will release the arrested person if it is determined that the arrest was unlawful. If the judicial officer determines that the arrest was lawful, he or she will commit the person to a local jail. Once the person is imprisoned, the provisions of Chapter 13 of Title 17 will govern the extradition and return of the person to the state in which the criminal offense was committed.

This legislation applies only to a law enforcement officer from Alabama, Florida, North Carolina, South Carolina, or Tennessee and when the state in which the law enforcement officer is employed or appointed has enacted a provision similar to this legislation.

## **REGULATED INDUSTRIES AND UTILITIES**

#### **SENATE BILL 55**

#### **WINE TRANSPORTATION OFF-PREMISES: "MERLOT-TO-GO"**

This legislation authorizes restaurant customers to reseal a purchased bottle of wine and remove it from the restaurant so long as the bottle of wine was purchased with food. The bottle must be resealed by an employee of the restaurant.

#### **HOUSE BILL 611**

#### **CONSTRUCTION INDUSTRY LICENSING BOARD**

This legislation relates to the powers and duties of the Division of Electrical Contractors, which is a division of the State Construction Industry Licensing Board. Class I licenses are now restricted to electrical contracting involving multifamily structures of not more than two levels or single family dwellings of up to three levels; moreover, the structures must have single-phase electrical installations that do not exceed 400 amperes at the service drop or the service lateral.

#### **HOUSE BILL 1066**

#### **PROHIBITS USE OF ALCOHOL VAPORIZING DEVICES**

This legislation prohibits any person from purchasing, offering to sale or use, selling, or using any vaporized form of an alcoholic beverage produced by an alcohol vaporizing device. No operator will keep or allow to be kept on the licensed premises any vaporized form of an alcoholic beverage produced by an alcohol vaporizing device. No person can own or possess any alcohol vaporizing device. This will not apply to any nebulizer or atomizer used to supply a product containing alcohol as otherwise lawfully prescribed by a health care practitioner who is licensed by the State of Georgia.

## **RETIREMENT**

### **SENATE BILL 328**

### **GEORGIA STATE EMPLOYEES' PENSION AND SAVINGS PLAN**

Specifically, this bill applies to persons who first or again become members of the Employees' Retirement System on or after January 1, 2009. Under the provisions of this legislation, the members would receive retirement benefits equal to 1 percent of their highest average monthly compensation during a period of 24 consecutive calendar months multiplied by the member's years of creditable service. Benefits paid to persons who are already members on December 31, 2008 would continue to be calculated based on 2 percent of their compensation.

This substitute bill provides for an additional benefit through optional participation in a deferred compensation plan offered by the state for public employees. Members covered by this proposed plan could also receive up to 3 percent contribution from the state, provided the employee contributes 5 percent of his or her compensation into the plan. Members would be authorized to make contributions greater than 5 percent. Members who participate in this plan would be vested at a rate of 20 percent per year, and be fully vested after five years of service. This substitute bill includes provisions to allow existing members to elect participation in this proposed plan. Members who make this election would have their retirement benefits computed on a prorated basis.

Also, this substitute bill includes provisions relating to disability benefits for persons covered under the "Georgia State Employees' Pension and Savings Fund" and specifies that members covered by this proposed plan would not be entitled to group term life insurance coverage under the Employees' Retirement System.

### **SENATE BILL 451**

### **PROTECTING GEORGIA'S INVESTMENT ACT**

This Act provides certain statutory prohibitions for the investments managed by our public retirement systems regarding investments in Iran's petroleum energy sector.

This bill requires all public funds, by October 1, 2008, to identify any company that has, with actual knowledge, on or after August 5, 1996, made an investment of \$20 million or more in Iran's petroleum sector which directly or significantly contributes to the enhancement of Iran's ability to develop petroleum resources. Such companies will be placed on a list of "scrutinized companies," which will be updated annually by each public fund. Neither the retirement system nor any employee of the retirement system will be liable for a good faith omission in identifying a scrutinized company.

Additionally, this bill outlines mandatory procedures for public funds with direct holdings in any scrutinized company. These procedures include notifying companies of their status, encouraging companies to cease investment activities covered by this bill, and divesting securities in such companies under certain circumstances.

This bill provides for certain exclusions and provides for the termination of prohibitions under the Act, if certain Federal action occurs regarding Iran. This Act will be automatically repealed on July 1, 2015.

### **HOUSE BILL 255**

### **PENALTY FOR EMPLOYMENT RELATED CRIMES**

This bill amends restrictions and prohibitions for membership in public retirement of pension systems. This bill expands the definition of the term "public employment related crime" to include any felony offense related to the person's public employment in Georgia.

Any member of any public retirement system that is convicted of a "public employment crime" while serving as a public employee will have their benefits reduced by an amount equal to three times the economic impact of the crime. Under this bill, "economic benefit of public related crime" means the total the total economic gain to the perpetrator of an employment related crime and the economic loss to the public entity. This bill specifies that an administrative law judge within the Office of State Administrative Hearings will be responsible for determining the economic impact of the crime. Under this bill, the board of trustees of the respective retirement

system must initiate the hearing no later than 30 days after receiving notification of an employee's conviction.

The calculated amount must be forfeited before the employee receives any benefits. If an employee has not begun receiving retirement benefits, the deduction will occur at the beginning of the benefits distribution.

Also, this bill provides for certain notifications of a conviction of a person for a "public related employment crime." Upon conviction, the prosecuting attorney is required to notify the defendant's former employer and any public retirement system in which the employee is known to be an active, inactive, or retired member.

## **RULES**

### **SENATE RESOLUTION 822**

### **GEORGIA/ NORTH CAROLINA GEORGIA/TENNESSEE BOUNDARY LINE COMMISSION**

The Governor of Georgia has the full support of the General Assembly to negotiate settlement of the State of Georgia – Tennessee, and the State of Georgia – North Carolina Boundaries, to correct its northern boundary to the 35<sup>th</sup> parallel. It directs the Attorney General of Georgia to take the appropriate legal action to correct Georgia's northern border at the 35<sup>th</sup> parallel.

## **SCIENCE AND TECHNOLOGY**

### **SENATE BILL 24**

### **ONLINE FRAUD**

This legislation addresses the crime of "phishing," in which a person seeks to obtain sensitive information from others by posing as a legitimate business online. This bill prohibits persons from falsely representing themselves, through usage of the internet or e-mail, to be a business in order to induce another to provide identifying information, without the authority or approval of the business. "Identifying information" includes data such as a social security number, driver's license number, bank account number, credit card or debit card number, PIN, account password, or any other information that can be used to access an individual's financial accounts or to obtain good or services. Persons convicted of violating this legislation will be guilty of a felony punishable by one to 20 years in prison and/or a fine of \$1,000 to \$500,000. The bill also provides that employers may not be held criminally or civilly liable for violations of their employees or contractors that were undertaken without the employer's knowledge, consent, or approval.

### **SENATE BILL 474**

### **INTERNET SAFETY FOR MINORS/ SEXUAL OFFENDERS**

This legislation includes several provisions aimed at shielding children from harmful online activity, monitoring the internet activity of registered sexual offenders, and bolstering the powers of law enforcement in investigating computer-based sexual crimes, including the following:

- The bill requires the Department of Education to develop a model program for educating students on online safety. Local school boards may incorporate into their instructional programs a component on online safety, to be taught on a schedule as determined by the local board.
- It requires internet providers to make available to Georgia subscribers a product or service enabling such subscribers to control a child's use of the internet, provided that such a product is reasonably and commercially available for the technology used by the subscriber. This product or service must allow, in a commercially reasonable manner, a subscriber to block a child's access to specific websites or domains; to restrict a child's access to specific websites or domains approved by the subscriber; and to allow the subscriber to monitor a child's internet activity by providing a report of websites or domains that the child has visited or attempted to visit. If such a product or service is reasonably commercially available for the technology used by the subscriber to access the internet, the provider must give the subscriber notice of its availability or make it available to the subscriber either directly or through a third-party vendor. The provider may charge for this product or service.
- The bill provides that telecommunications service providers, wireless service providers, and providers of information services may not be held liable for the use of their services by others in violation of this legislation. They also may not be held liable for restricting the access of a user based on a good faith belief that the user's identifying information appears on a sexual offender registry, nor may they be held liable for failure to block a user whose identifying information appears on a sexual offender registry.
- An interactive computer service doing business in Georgia that obtains knowledge related to a violation of the state's child pornography laws must report this information to the Cyber



Tipline at the National Center for Missing and Exploited Children. An interactive computer service that knowingly and willfully violates this provision will be guilty of a misdemeanor upon first offense, and an aggravated misdemeanor upon subsequent offenses.

- Under this legislation, persons required to register as sexual offenders may, as a condition of probation, supervised release, parole, or entry into the state, be subject to continued supervision of the person's incoming and outgoing e-mail and online activity history. The persons may also be subject to periodic unannounced inspections of the contents of the person's computer or any other device with internet access.
- This bill requires persons required to register as sexual offenders to provide their e-mail addresses and usernames at the time of registration and at each annual re-registration.

## **SPECIAL JUDICIARY**

### **SENATE BILL 374**

### **MECHANICS' LIENS**

This legislation is a product of the work of the Senate Lien Law Study Committee, and it makes several revisions to Georgia law on mechanics' and materialmen's liens. The bill allows owners or contractors to shorten the timeframe in which a lien action may be commenced by filing a Notice of Contest of Lien; doing so would require the lien claimant to commence an action within 60 days of receipt of the notice. The bill specifies that a copy of the claim of lien must be sent to a property owner no later than two business days after the date that the claim of lien was filed. It also revises the language of certain notices and forms, including release upon payment forms. Moreover, the bill specifies that the claim underlying a lien claim becomes due on the last date the labor, services, or materials were supplied to the premises, as well as names additional persons that must receive certain notices. The bill also provides that a claim of lien will be unenforceable if the lien claimant fails to commence a lien action within 365 days from the date of filing the lien or fails to file a notice of commencement within 395 days.

### **HOUSE BILL 470**

### **GEORGIA LEMON LAW**

This bill replaces in its entirety the Motor Vehicles Rights Act with new language to be known as the Georgia Lemon Law. This new law provides consumer protections for new motor vehicles. The current article covers vehicles up to 10,000 pounds gross vehicle weight rating (GVWR); this legislation increases this weight limitation to 12,000 pounds GVWR. The legislation also expands the number of small businesses protected by law by modifying the definition of "consumer" to include small business purchasing ten or fewer new motor vehicles per year. Furthermore the "lemon law rights period," the timeframe in which a new motor vehicle is covered, is extended to last for two years after the date of the vehicle's delivery to the consumer or the first 24,000 miles of operation, whichever occurs first. Current law gives manufacturers two attempts to repair most "serious safety defects;" this legislation allows manufacturers only one repair attempt. This bill also revises the definition of "nonconformity" to include problems that render the new motor vehicle nonconforming to any manufacturer's express warranty. Similarly, the definition of "warranty" is expanded to include "any affirmation of fact made by the manufacturer in connection with the sale of a new motor vehicle to a consumer concerning the vehicle's materials, workmanship, operation, or performance which becomes the basis for the bargain. The legislation also revises provisions on arbitration, to clarify that a consumer may not file an action in court unless he or she has completed arbitration, among other changes.

### **HOUSE BILL 1132**

### **UNIFORM ENVIRONMENTAL COVENANTS ACT**

The Act creates a legal mechanism to record a property's environmental problems and to include land use restrictions for contaminated property. An environmental covenant is signed by a state or federal government agency (such as the Environmental Protection Division) and may provide for an "environmental response project," which is a plan for environmental remediation conducted either under a federal or state program or under an agency approved closure or a waste management unit. Such a covenant makes contaminated property more marketable by clarifying which parties are responsible for environmental remediation of contaminated property. This bill includes provisions related to the creation, amendment, and duration of an environmental covenant. It also provides that a civil action for injunctive or other equitable relief for a violation of an environmental covenant may be maintained by the following parties: a party to the covenant; the agency; any person the covenant expressly grants enforcement power; any owner in fee simply whose property abuts the property subject to the covenant; any person whose property interest, collateral, or liability may be affected by the alleged violation; or any unit of local government in which the property subject to the covenant is located.

## **STATE AND LOCAL GOVERNMENTAL OPERATIONS**

### **HOUSE BILL 817**

### **MCPHERSON IMPLEMENTING LOCAL REDEVELOPMENT AUTHORITY**

The bill creates the McPherson Implementing Local Redevelopment Authority (Authority). The purpose of the Authority is to execute and administer the reuse plan for the property formerly occupied by Fort McPherson. The Authority will be a political subdivision of the State of Georgia and a public corporation and will have perpetual existence. This legislation further provides for membership and the appointment of members of the Authority and their terms of office, qualifications, and duties. The Authority will have the power to issue negotiable revenue bonds and will also have the ability to exercise any power usually possessed by private corporations performing similar functions.

#### **HOUSE BILL 1216**

#### **REGIONAL DEVELOPMENT CENTERS: REORGANIZE**

This legislation converts the state's regional development centers (RDC's) into regional commissions and provides boundaries for the commissions created. The 16 RDC's will be reorganized into twelve regional commissions with boundaries to match those of the state's service delivery regions. These regional commissions will function as the regional planning entity for land use, environmental, transportation, and historic preservation planning in each designated region of the state.

Further, this legislation changes the responsibilities of the RDC's/Commissions. The Department of Community Affairs (DCA) will no longer be required to maintain a strategic rural economic development plan for each RDC in the same manner that was previously required. The metropolitan Atlanta area will be included in a commission identical in structure to commissions in other parts of the state. To be eligible for minimum funding from state appropriated funds, each regional commission must collect annual dues of \$1 for each resident of each county within the commission. Each commission must apply to the DCA for supplemental funding. The word "necessary" is added to the definition of governmental services. Commissions are authorized to provide, through contract, governmental services on behalf of local governments. The State Auditor will perform triennial audits of the state funds received by a commission. The Governor, Lieutenant Governor, and Speaker of the House of Representatives will all have appointments to commission councils. This legislation also changes the wording "development center" to "commission" wherever appropriate.

### **STATE INSTITUTIONS AND PROPERTY**

#### **SENATE BILL 366**

#### **POSSESSION OF CERTAIN ITEMS BY INMATES**

This legislation makes it unlawful for inmates to possess telecommunications devices or knuckles made from materials such as metal, thermoplastic, and wood, without prior consent of the warden, superintendent, or his or her designated representative. This legislation also makes it unlawful to provide or attempt to provide an inmate with such items. Further, penalties for violations of this legislation are provided.

This legislation defines an inmate as a prisoner, detainee, criminal suspect, immigration detainee, or other person held, incarcerated, or detained in a place of incarceration. This legislation defines a place of incarceration as any prison, probation detention center, jail, or institution, including any state, federal, local, or privately operated facility, used for the purpose of incarcerating criminals or detainees.

#### **SENATE BILL 502**

#### **PAROLE OFFICERS: RETENTION OF BADGES**

This legislation provides that certified parole officers retain their board-issued badges under certain circumstances upon leaving the service of the parole board. A certified parole officer who leaves under honorable conditions after 20 or more years of service or an officer who leaves due to a disability that prevents him or her from serving as a peace officer may be entitled to retain their issued badge. A certified officer killed in the line of duty may have their badge given to a surviving family member.

#### **HOUSE BILL 967**

#### **CERTIFICATE OF NEED: SECURE INSTITUTIONS**

This legislation provides an exemption from the state's certificate of need program for hospital facilities located inside secure institutions operated under the Department of Corrections and the Department of Juvenile Justice. A hospital facility inside a secure prison will not compete with medical facilities open to the general public.

### **TRANSPORTATION**

The Joint Study Committee on Transportation Funding was created by Senate Resolution 365 during the 2007 Legislative Session to examine the state's transportation funding needs and to

recommend any actions or legislation necessary for alternative funding mechanisms and to improve the state's transportation systems and infrastructure. Based on these recommendations, the General Assembly passed several bills addressing Georgia's transportation needs.

#### **SENATE RESOLUTION 781**

#### **STATE-WIDE STRATEGIC TRANSPORTATION PLAN**

This legislation urges the Georgia Department of Transportation (GDOT) to develop a state-wide strategic transportation plan that will include:

- Utilization of public-private initiatives (PPIs) to raise capital to start and maintain transportation facilities, when a project meets the criteria for a PPI;
- Implementation, as soon as practicable, of high-occupancy toll lanes (HOT lanes) to electronically toll drivers who desire to travel in low-congestion lanes for a price;
- Preparation and implementation of proposals to have private companies build and maintain transportation facilities on behalf of the state. The private companies will be offered concessions (such as toll revenue) in order to make the deal palatable to investors; and
- Construction and funding of a modern public transit system that may include express buses, light or heavy rail, a mag-lev train, or a combination.

This legislation also urges GDOT to report to the General Assembly, by December 31, 2008, on its progress in developing a state-wide strategic transportation plan.

#### **HOUSE BILL 1019**

#### **GEORGIA TRANSPORTATION INFRASTRUCTURE BANK**

This legislation creates the Georgia Transportation Infrastructure Bank (Bank) within the State Road and Tollway Authority (SRTA). The Bank may provide loans and other financial assistance to a government unit to pay for all or part of the eligible costs of a qualified project which include costs of preliminary engineering, traffic and revenue studies, environmental studies, right of way acquisition, legal and financial services, and construction. The Board of SRTA must determine which projects are eligible projects and then select qualified projects from the list of eligible projects.

"Eligible project" is defined as a highway, including bridges, air transport and airport facilities, rail, or a transit or bicycle facility project which provides benefits by either: enhancing mobility and safety; promoting economic development; or increasing the quality of life and general welfare public. The term includes monorail and monobeam mass transit systems.

### **VETERANS, MILITARY, AND HOMELAND SECURITY**

#### **SENATE BILL 369**

#### **DISABLED PARKING PERMITS FOR ACTIVE AND RETIRED MILITARY PERSONNEL**

Current law requires all applicants seeking a disabled parking permit to present an affidavit from a practitioner of the healing arts stating that such person is disabled, the specific disability that limits or impairs the person's ability to walk, and that he or she is disabled as specified in O.C.G.A. § 40-6-221(5).

This legislation allows active duty or retired military personnel to submit an affidavit from an active duty military physician whether or not such physician is licensed to practice in Georgia. The affidavit must state that the applicant is in active military service and stationed in Georgia, or is retired from the military and is a Georgia resident and that the person is disabled, the specific disability that limits or impairs the person's ability to walk, and that he or she is disabled as specified in O.C.G.A. § 40-6-221(5).

## **PASSED LEGISLATION (LISTED BY COMMITTEE)**

### **AGRICULTURE AND CONSUMER AFFAIRS**

SB 16	Dog Collar Removal
SB 364	Ratites
SB 379	Eminent Domain by Telephone Companies
SB 418	Georgia Fire Safety Standard and Firefighter Protection Act; definitions; provide for standards for testing cigarettes; written certification
SB 429	Agriculture Safety Officers
SB 515	Seed Commission
HB 280	Prohibition of the Sale of Chronic Candy to Minors
HB 301	Dog Fighting
HB 649	Creation of Blueberry Commission
HB 1281	Lifting Water Restrictions
HB 1303	Restaurant Nutritional Information

### **APPROPRIATIONS**

SB 300	Transparency in Government Act
HB 989	Fiscal Year 2008 Amended Budget
HB 990	General Appropriations Act for Fiscal Year 2008-2009
HB 1163	Additional Superior Court Judges; Alcovy, Atlanta, and Brunswick Circuits
HR 1078	Compensation for Mr. Willie Otis "Pete" Williams

### **BANKING AND FINANCIAL INSTITUTIONS**

SB 358	Securities Act
SB 531	Recording Lien Holders Prior to Foreclosure
HB 130	Security Freezes By Consumer Credit Reporting Agencies
HB 579	Mobile Home Liens
HB 921	National Mortgage Broker Database
HB 972	Charitable Funds Act

### **ECONOMIC DEVELOPMENT**

SB 154	Municipal Corporations/Agreements
SB 359	Made in Georgia Program
HB 291	Georgia Council for the Arts
HB 297	Recreational Vehicles/Dealers
HB 953	War of 1812 Bicentennial Commission
HB 1088	Agricultural Tourist Attractions
HB 1126	Downtown Development Authorities/Directors
HR 1115	Martin Luther King, Jr., National Memorial Project Foundation; use Georgia granite; urge
HR 1158	Georgia BIO

### **EDUCATION AND YOUTH**

SB 523	Capital Outlay Funding
HB 250	Educator's Professional Standards Violations
HB 602	School Supply Sales by Local School Board Members
HB 637	National Assessments under QBE
HB 881	Charter Schools Commission
HB 1031	External Defibrillator in Public High Schools Athletics
HB 1169	Private School Day-Care Center Definition
HB 1209	State Board of Education; local school systems; contracts; provisions (IE <sup>2</sup> )
HB 1277	Health Insurance for Charter School Employees
HB 1300	Minimum School Days in K-12 Schools
HB 1321	Discipline of Students in K-12 Schools
HB 1335	QBE Funding Formula

### **ETHICS**

SB 387	Absentee Ballots; allow electors to request/cast without stating a reason; allow electronic submission of requests by certain electors
HB 296	Special elections; held on certain dates; provide

### **FINANCE**

HB 302	Lodging Excise: Rockdale County Horse Park
HB 670	Income Tax Credit: Wood Residuals; Thermal, Solar, and Wind Power
HB 831	Charter School Capital Financing
HB 851	Income Tax Credit: Historic Structures
HB 957	Income Tax Credit: Job Training

HB 1014	Education Savings Plans
HB 1023	Sales Tax Exemption: Lockheed
HB 1024	Local Government Recreation Tax
HB 1035	Sales Tax Exemption: Public and Campus Transportation
HB 1046	Sales Tax Exemption: Watercraft Inventory
HB 1065	Sales tax; local charter schools; capital outlay projects; authorize
HB 1078	Sales Tax Exemption: Durable Medical Equipment: Prosthetics
HB 1081	Conservation Use; Assessment Appeals
HB 1100	Income Tax Credit: Film Production
HB 1110	Sales Tax Exemption: Food Banks
HB 1151	Revenue Revisions; Bingo/Raffles; S-Corps; Interest Income
	Income Tax Credit: Driver Education Course
HB 1168	Lodgings Excise Revision
HB 1178	Sales Tax Exemption: Swine Raising
HB 1196	Income Tax Credit; Qualified Investment; Seed-Capital Fund; provisions
HB 1246	Income Tax Credit: Broadcasting and Insurance Job Creation
HB 1273	Income Tax Credit: Job Creation "Pervasive Poverty"
HB 1280	REAP: Alcohol Sales
SB 159	Homestead Exemption: Filing Deadline
SB 181	Motor Vehicles: Rental Fees
SB 397	Housing Authorities: Bond Issuance

#### **GOVERNMENT OVERSIGHT**

SB 344	Boards and Commissions; repeal/abolish certain ones that have become inactive, obsolete, unnecessary; provide effective date
HB 180	Prescription drugs; sold by certain Georgia companies; access restrictions; prohibit
HB 977	State insurance premium taxes; certain high deductible health plans; exempt
HB 1055	Professions and licenses; certain provisions; make revisions
HB 1113	State purchasing; definitions; provisions
HB 1234	Medicaid Care Management Organizations Act; enact

#### **HEALTH AND HUMAN SERVICES**

SB 341	Additional Duties of the Council on Aging
SB 363	Advanced Dental Education Programs
SB 381	Certificate of Birth Resulting in Stillbirth
SB 433	Certificate of Need; Destination Cancer Hospitals
SB 469	Host Homes
SB 507	Basic Therapy Services
SB 549	Two-Level System of Stroke Care in Georgia
HB 241	Dispensing Opticians
HB 535	Mental Health; Disability Services Ombudsman
HB 715	County Director of Children and Family Services
HB 984	Children's Transition Care Centers
HB 1041	Criminal Background Check for Registered Professional Nurses
HB 1044	Respite Care Services Programs
HB 1105	Inpatient Vaccinations for Flu and Pneumonia
HB 1222	Health Care Volunteers

#### **HIGHER EDUCATION**

SB 169	Direct Loans and North Georgia College Scholarships
SB 434	Renaming the Department of Technical and Adult Education
SB 435	Renaming the Department of Technical and Adult Education
SB 480	Tuition Equalization Grant Requirements
SB 492	"Eligible High School" Definitions for HOPE Scholarship
HB 152	HOPE Scholarships and Grants – Expanding Eligibility
HB 311	Georgia HERO Scholarship for Surviving Spouses
HB 515	"Lottery for Education Act" Definitions
HB 1183	Non-lapsing Revenue

#### **INSURANCE AND LABOR**

SB 113	Insurance Licensing
SB 213	Insurance: Waiving of Retaliatory Obligations
SB 230	Redefining Classified Service and Unclassified Service
1SB 254	Georgia State Indemnification Fund
SB 276	Stacking of Uninsured Motorist Coverage; and Rate Filings: Establish File and Use Procedures for Auto Insurance
SB 347	Determination of the Financial Condition of an Insurer
SB 348	Prohibiting Local Taxes and Fees
SB 383	Health Saving Account-Eligible High Deductible Plans
SB 425	DOAS: Establishing Various Incentive Programs

SB 470	Guaranteed Asset Protection Waivers
SB 471	Financial Examination of Domestic Insurers; and Property and Casualty Actuarial Opinion Law
SB 518	Extended Warranties for Specific Body Work
HB 673	Liability Insurer to Provide Notice to a Third Party
HB 1121	Required Insurance Policies for Condominium Associations
HB 1186	Subsequent Injury Trust Fund – Future Assessments
HB 1235	Wrongfully Towing or Impounding a Fleet Vehicle with Valid Insurance
HB 1328	Eliminate Consumer Choice Option from State Health Benefit Plan

### **JUDICIARY**

SB 1	Sexual Offenders; unlawful to photograph minors; provide penalties
SB 88	Care of a Grandchild Act; provide subsidy to certain grandparents raising grandchildren under certain circumstances
SB 355	Property; mortgages, conveyance to secure debt, liens; disbursement of certain settlement funds after closing; general provisions
SB 388	Identity Fraud; provide Georgia Bureau of Investigation authority to investigate certain offenses; subpoena power
SB 396	Administrative Services Dept.; remove/transfer functions; Council of Superior Court Judges of Ga., Prosecuting Attorneys' Council
SB 405	Georgia Revised Uniform Anatomical Gift Act; enactment; definitions; provide for anatomical gift
SB 406	Offenses; increase penalties for reproducing, transferring, selling, distributing certain recorded material; forfeiture of certain terms
SB 421	False Identification Documents; change penalties based upon the age of the convicted person/nature of crime
SB 436	Business Corporations; voting for directors in publicly traded corporations; change provisions
SB 453	Controlled Substances; add the state as entity authorized to govern certain criminal activity; designated areas for recreational purposes
SB 483	Child Support; revise certain definitions; process of calculating; provisions
SB 529	Rules of the Road; commit the offense of felony hit and run; provide for offense of homicide by vehicle, vessel
HB 188	Jury duty; primary caregiver of certain persons; provide exemption
HB 336	Driving under the influence; mandatory sentences; increase
HB 960	Ecstasy; certain trafficking; bailable only before superior court judge; require
HB 1020	Civil and criminal cases; minors; certain sexually explicit or obscene evidence; restrict access
HB 1040	Juvenile courts; deprived child; permanent guardian; grant jurisdiction
HB 1051	Child abuse; county multiagency child fatality review committee; change certain provisions
HB 1054	Children and Family Service Strengthening Act of 2008; enact
HB 1090	Controlled substances; Schedule I, II, III and IV; change certain provisions
HB 1093	Liquidated damages; demand; change certain provisions
HB 1245	Indigent defense; revise matters; senior judges; change certain provisions
HB 1283	Railroad corporations; presumptions; provisions
HB 1297	Sexual assault protocol; afford greater protection to victims; change provisions
HB 1346	Theft; organized retail theft; create offense

### **NATURAL RESOURCES AND THE ENVIRONMENT**

SB 342	Reservoirs
SB 352	Legislative Override of Environmental Rules
SB 399	Solid Waste Trust Fund; Tire Fee
SB 400	Offense of Arson of Lands
SB 463	Gray Water
SB 466	Outdoor Water Restrictions; Exemptions
SR 1063	Savannah Harbor Water Quality Standard
HB 68	Coastal Marshlands Protection Act; Exemption
HB 239	Water Buffalo and Sugar Gliders
HB 964	Boating Safety Zones
HB 1176	Land Conservation Program; Other Participants
HB 1016	Blue Crabs
HR 1022	Comprehensive State-Wide Water Management Plan

### **PUBLIC SAFETY AND HOMELAND SECURITY**

1SB 33	State-wide First Responder Building Mapping Information System
SB 202	Transfer State-wide Alert Systems to the GBI
SB 350	Increased Penalties for Driving Without A License
SB 373	Emergency Suspension of Peace Officers
SB 414	2008 Georgia Firefighter Standards and Training Council Act
SB 430	GBI's DNA Database

SB 437	Assembled Motor Vehicle or Motorcycle; and Various Provisions Relating to Motor Vehicles
SB 488	Drivers' Licenses
SB 517	Disabled Parking License Plates for Certain Businesses
SR 1147	Senate Study Committee on Fleeing and Law Enforcement Pursuits
HB 77	Red Light Cameras
HB 333	Sale or Destruction of Confiscated Weapons
HB 945	Motor Vehicles: Disclosure of Information
HB 963	Special License Plate Supporting the Soccer in Georgia
HB 969	Driver's Education Courses and Home Schooling; GOHS and Donating Property; and Georgia Driver's Licenses – Out-of-State College Student Exemptions
HB 983	Out-Of-State Police Pursuits into Georgia
HB 1111	DDS House-Keeping
HB 1220	Firefighter's Special License Plate

### **REGULATED INDUSTRIES AND UTILITIES**

HB 393	Farm Wineries
HB 1043	Childhood Lead Exposure Control Act
HB 1061	Wine Shipments
HB 1243	Temporary Alcohol Permits
SB 384	Limousine Carriers; Permitting by Certain Airports; Change Certain Provisions; Limit Fees
SB 385	Limousine Carriers: Alcohol Beverage Licenses
SB 479	Ambulance Fees

### **RETIREMENT**

SB 327	Requirements for Divestment Legislation and Hiring of Retired Teachers
SB 328	New Hire Retirement Plan
SB 451	Divestment from Iran
SB 460	Superior Court Clerks' Retirement Fund Revisions
HB 255	Penalty for Employment Related Crimes
HB 358	Sheriffs' Retirement Death Benefit
HB 656	Change of Beneficiaries Under Teachers' Retirement System
HB 732	Retirement for Post Certified Medical Examiners
HB 815	Regents' Optional Retirement Plan

### **RULES**

SR 822	Georgia/ North Carolina Georgia/Tennessee Boundary Line Commission
HB 387	"Georgia Day"

### **SCIENCE AND TECHNOLOGY**

SB 24	Computer Security; persons provide identifying information by falsely representing themselves to be a business; definitions; penalties
SB 474	Minors; provide availability of parental controls over Internet access

### **SPECIAL JUDICIARY**

SB 11	Superior/State Court Judges; performing ordered military duty; eligible for reelection; qualify by mail, messenger or agent on duty
SB 374	Liens; revise certain time periods of filing materialmen's/mechanics liens; provide for certain notices regarding waiver of liens or claim upon bond
SB 455	O.C.G.A.; correct errors/omissions
SB 456	O.C.G.A.; correct/omissions
SB 482	Government; State Law Library; repeal chapter 11
SB 508	Probate Courts; update/change provisions
SR 445	Joint Commercial Sexual Exploitation of Minors Study Commission; create
HB 111	Delayed birth certificates; petitions in probate and superior court; permit
HB 422	Specialized land transactions; minimum amount for liens; provide
HB 470	Georgia Lemon Law; enact
HB 958	Magistrate court; certain judgments; clarify appeal procedure
HB 1018	Superior court fees; recording an instrument; cross-indexing; provide additional filing fees
HB 1086	Court bailiffs; maximum per diem; eliminate
HB 1104	Charitable solicitations; definitions; revise certain provisions
HB 1132	Uniform Environmental Covenants Act; enact
HB 1160	Transferable development rights; severance; provide

## **STATE AND LOCAL GOVERNMENTAL OPERATIONS**

SB 52	DeKalb County; Authority of Chief Executive Officer to Preside over Meetings of the County Commission; Change Provisions
SB 82	Incorporation of the City of Dunwoody
SB 398	Powder Springs: Change Elections Procedures
HB 750	Sumter County Probate Judges: Elections
HB 790	School Bus Safety Week
HB 791	School Bus Driver Appreciation Day
HB 817	McPherson Implementing Local Redevelopment Authority
HB 975	Backdated Documents
HB 993	Absentee Ballot Voting
HB 1098	Municipal Elections
HB 1112	Elections
HB 1216	Regional Development Centers: Reorganize
HB 1378	City Of Doraville: Annexation of Property

## **STATE INSTITUTIONS AND PROPERTY**

SB 130	Transfer of Authorities to GBA; Energy Efficiency and Sustainable Construction Act
SB 175	Department of Administrative Services and Procedures for State Purchasing
SB 366	Possession of Certain Items by Inmates
SB 502	Parole Officers: Retention of Badges
SR 753	Property Conveyance to Upson County
SR 1012	Conveyance of Property
HB 967	Certificates of Need: Secure Institutions
HR 1310	Boundary Dispute
HR 1425	Easements
HR 1427	Dedicate Boney State Prison

## **VETERANS, MILITARY AND HOMELAND SECURITY**

SB 369	Disabled Parking Permits for Active and Retired Military Personnel
SR 827	Oppose Security and Prosperity Partnership of North America
HB 961	Disabled Parking Permits
HB 1201	Georgia Emergency Management Agency Nomenclature Act Of 2008

## **TRANSPORTATION**

SB 417	Department of Transportation; Benchmarks
SB 444	Department of Transportation; Surplus Property
SR 428	Senate Railroad and Security Study Committee
SR 750	Federal Motor Fuel Tax Disbursements
SR 781	State-Wide Strategic Transportation Plan
SR 1047	Consolidation of Barns and Road Maintenance
SR 1055	Road and Bridge Dedications
SR 1060	Department of Transportation; Annual Reports
HB 426	Rail Crossings; School Bus Routes
HB 981	Weight and Load Limitations
HB 1019	Georgia Transportation Infrastructure Bank
HB 1026	Department of Transportation; Utility Relocation
HB 1189	State-Wide Strategic Transportation Plan Progress Report
HR 468	Road and Bridge Dedications
HR 1023	Road and Bridge Dedications



**STUDY COMMITTEES CREATED DURING THE  
2008 LEGISLATIVE SESSION**

SR 428	Senate Railroad Safety and Security Study Committee
SR 445	Joint Commercial Sexual Exploitation of Minors Study Commission
SR 767	Senate Study Committee on Health Care Transformation
SR 788	Senate Study Committee on Brian Injury Related Neurobehavioral Issues
SR 819	Senate Comprehensive Firearms Law Study Committee
SR 1020	Senate Sexual Exploitation of Minors Study Committee
SR 1093	Senate Study Committee for the Creation of a Georgia MethCheck Data Base
SR 1097	Senate Study Committee on the Future of Manufacturing in Georgia
SR 1113	Senate Study Committee on Daylight Saving Time
SR 1147	Senate Study Committee on Fleeing and Law Enforcement Pursuits
SR 1166	Senate Public and Legal Notices Study Committee
SR 1167	Senate Local Sales Tax Collection Study Committee; Local Sales Tax Collection Advisory Committee
SR 1187	Senate Children's Mental Health in Georgia Study Committee
SR 1188	Senate Alzheimer's Disease and Other Dementias Study Committee
SR 1201	Senate Biodiesel Fuel Study Committee
SR 1213	Senate Education Funding Mechanisms Review Study Committee
SR 1244	Senate Accessibility Study Committee
SR 1247	Senate Study Committee on Community Base Giving Tax Credits
SR 1254	Senate Victim's Rights Study Committee
SR 1281	Senate Roadside Enhancement and Beautification Study Committee
SR 1285	Senate Prior Approval and Prescription Drugs Study Committee
SR 1288	Senate Study Committee on the Organization of Mental Health, Developmental Disabilities, and Addictive Diseases Services
SR 1289	Senate Exemptions for Purposes of Bankruptcy Study Committee
HR 1103	Joint Study Committee on Teacher Training and Certification

**VETOED LEGISLATION**

(This list does not include local legislation.)

SB 196	Military Scholarships
SB 345	Interstate Commission on Educational Opportunity for Military Children
SR 820	Joint DNR Law Enforcement Study Committee
HB 119	Judge/District Attorneys' Salaries Increase
HB 373	Return to Work for Retired Uniform Division Patrol Officers
HB 887	Tobacco Master Settlement agreement Advisory Committee
HB 978	Vehicle Towing and Impoundment; and Court Fees – Extended Sunset
HB 1027	Driver Improvement Programs
HB 1116	Probation Management
HB 1129	Georgia Tourism Development Act; enact
HB 1217	State Licensing Board of Home Inspectors; create
HB 1249	Income Tax Credit: Solar Energy Manufacturing